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Political



**T H E**  
**POLITICAL REGISTER,**  
**A N D**  
**IMPARTIAL REVIEW,**  
**F O R M D C C L X X I .**

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**VOLUME THE EIGHTH.**

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**L O N D O N :**  
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**1771.**

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*The National Union 1771.*

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T H E

# POLITICAL REGISTER

For J A N U A R Y 1771:

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N U M B E R XLVII.

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For the POLITICAL REGISTER.

POLITICAL REFLECTIONS *adapted to the present Situation of our domestic Affairs.*

**T**HERE is nothing in which the generality of mankind are so much mistaken as when they talk of *government*. The different effects of it are obvious to every man, but few can trace the causes. Most men having indigested ideas of the nature of civil institutions, attribute all public miscarriages to the corruption of mankind. They think the whole mass of administration is infected, and that it is impossible to make any reformation for the honour and interest of our country, but by sudden and violent innovations or revolutions: thus mistaking the proper end of *opposition*, which is the general good, they divide the body of the nation by their ill judged proceedings into two parties, the one composed of those, who, disapproving *their* measures, yet sensible that we really labour under some national grievances, submit patiently to their country's calamities, because they will not herd with hot-headed, selfish, popular demagogues; the other of those, who, nicely scrutinizing the characters of the mock patriots of the age, piously resolve, "since their country is in a fair way of being ruined by impolitic contentions," rather to share in the spoil, and accumulate riches and false honours as fast as possible.

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Vol. VIII.

sible, than to be the laughing stock of one half of the nation, or the tools of the other.

But if we would reflect that complaints against the conduct of their governors, has been as inseparable from the nature of government as any of its fixed principles; that they are as ancient as its origin; and that every age, and every people, have thought their *grievances* the worst of any that ever were endured, we should not make the aspect of public affairs wear so horrid a face, nor give our foreign enemies occasion to judge from our disaffection to government, that we are ripe for conquest.

We loudly exclaim against the administrators of our government; and we arraign them for the measures they pursue to secure their power and influence, without considering, that we have not only our own experience, but the example of all past times, to prove, that men in the same circumstances will do the same things, call them by what names of distinction you please. Our business then is, to take care not to place our rulers in such situations as shall necessitate them to follow the example, if bad, of all their predecessors under similar circumstances.

A government is a mere piece of clock-work; certain springs and wheels must act in a precise, given mode, or the whole movement stops; and therefore the art is, so to constitute it, that every component part may contribute to the producing one equal, steady, uniform motion for the public advantage. For the attainment of this political art but one rule is required, which is, to make the interest of the *governors* and the *governed* one and the same: for it is well known that every individual will act for his own interest; and all wise governments, well convinced of this truth, study to make the public interest, and that of every individual, compatible with each other.

In an *absolute* MONARCHY this desirable end of government cannot be attained; for where all power is vested in one man, *his* interest *alone* will be regarded: in an ARISTOCRACY the interest of a few will be partially preferred to that of the majority; but, in a *free* government, the interest of every private man will be the rule and measure of administration, if the people are true to themselves. For no Minister or King, in a free state, will presume to set up an interest separate from, or repugnant to the interest of the people, if they do not lead the way, by shewing, that they prefer temporary advantages to solid rights; and this they do, when they barter for titles and gold, *integrity* and *freedom*.

The

The freedom of England depends upon the people's making a *right choice* of an House of Commons, and not, as some have foolishly imagined, on the power alone of choosing; for if they make a *wrong choice*, then the *right* of election becomes the very means of *enslaving* the nation. The sole power of voting the people's money to be given to the administrators of government being in the Commons; and abuses in the application of that money being the only inlet to slavery under our present happy constitution; it follows necessarily, that he who makes a wrong choice of a representative, gives his neighbour, who has not the privilege of a vote, just reason to wish, that he had no such power of disposing of his property, that is to say, of using the means to enslave him.

That the interest of every private member of the community, consistent with the good of the whole, is provided for by the constitution of England, no man will doubt; nor yet that the abuses which have of late crept into our mode of conducting elections for members of parliament, have been productive of the most dangerous evils to a well regulated community like that of England. Ministerial influence, and popular prejudice, are alike prejudicial to the freedom of the nation; for, in both cases, the abilities of the candidate are generally put out of the question. This, I apprehend, has been fully proved in the choice made by both parties at the late ever memorable elections for the county of Middlesex. The independent freeholders, zealous for the preservation of their sacred rights from every shadow of violation, persisted in their choice of a man *disqualified*, not by any act or resolution of the House of Commons, but by a catalogue of vices, which are incompatible with the dignity of the important office of representative of so respectable a county; and who had not given any distinguished proofs of being possessed of those accomplishments which constitute the character of an able Senator. These freeholders then, are undoubtedly right in contending for that most inestimable privilege, freedom of election; but they were, as clearly wrong in the object of their choice; a bad man had been oppressed by a foolish, corrupt administration; and, to reward him for this, it was not sufficient to load him with presents, to pay off his debts, and to advance him to inferior dignities, but blind zeal went a step further, and affronted every *good*, every *worthy*, every *independent* gentleman in the county, willing and properly qualified to serve them in parliament; and, in so populous a county, it may well be supposed there are numbers of those, who would have offered themselves, if they had not seen the tide of popular favour all centered in their adored Idol. Still more pernicious to the state was the exertion of

ministerial authority and influence on the other side. Where neither external force, nor private bribery, are spared to accomplish a point in opposition to the people, in all such cases whenever it happens, there can no longer remain a doubt, that a settled plan of governing on despotic principles, has taken root too *deeply* to be eradicated by any other but *coercive* means.

The seating of an officer of the Army in the House of Commons, as a proper representative of a county, the majority of whose freeholders are people diversely concerned in trade and mercantile affairs; at the same time that it was throwing the most insolent defiance in the teeth of the electors in general, was the grossest insult, and the most palpable injury that could be offered to such of them as were thus forced to commit the care of their commercial interests in the grand assembly in the nation, to a man who had yet to go to school to learn the first principles of trade and commerce; and who, upon any question concerning them coming before the House, must be mute, and *blink* like a bull rush, to conceal his ignorance. To speak plain, as a freeholder of Middlesex, I would neither chuse to trust the voting away my money in parliament to John Wilkes, who never did, nor ever will, know the value of it; nor my concerns in commerce, situated in America and London, to the discussion and discernment of Adjutant General Luttrell: It will be said, in either case, their's would have been but a single vote; but, in your last Number, I find, that a *single vote* fixed the present Royal Family on the throne of these realms. Therefore, that every single vote should be that of an honest, intelligent, responsible man, is a very material point with me. I will then freely confess, I neither voted for Wilkes nor Luttrell; but the honest, the able Serjeant Glynn had my hand and my heart; and so should that steady, indefatigable, disinterested parson, John Horne, if his being a parson had not unfortunately been his sole, but insurmountable disqualification. To pursue my subject still further, and, as I imagine, dispassionately, I am clearly of opinion, that a dissolution of the parliament, at the time it was proposed, was absolutely necessary, because the people had not, of late years, so sensibly felt the effects of an improper choice—the rejection of every prayer, of every proposal, even respecting the commercial concerns of this country and her colonies, coming from the people, shewed too plainly the force of ministerial influence on their representatives. They felt it, and shewed their sense of it in one particular election, that of Sir Robert Bernard, whom they freely chose, without the usual disgraceful circumstances of riot and debauchery,

bery, which put the candidates to immense expences, and intoxicate the freeholders so much, that they are not in any capacity to judge of the qualifications of their representative; who, observing on what principles he is chosen, most commonly indemnifies himself for the prodigality which has gained him the day, at the public expence. In an age less corrupt than the present, the conduct of a part of the people, in the choice of Sir Robert Bernard, would have been considered as an earnest of reformation in the electors of the whole kingdom; and virtuous Ministers would have advised a patriotic King to dissolve a parliament composed of representatives not chosen in this candid manner, in order to send the people to a new choice, under this favourable change of their mode of carrying on their elections. Fired with indignation at the contemptuous treatment they have met with from some of their representatives, who consider themselves as seated in parliament only to give their votes to the Ministry for the time being; and at the insolent behaviour of a packed majority, there can be little doubt that all the freeholders in England will unite on the first occasion of a general election, in choosing only men of unblemished characters and independent fortunes, to be the guardians of the lives and properties of their fellow subjects, who have not the right of voting. In this case we shall have a *true* representation of the people, free from external force or secret bribery; and nothing will be transacted within the House, nor yet without doors, to the manifest violation of the rights and privileges of the subject. If a few amongst them, still lured by ambition, or a thirst of gain, should abuse their power, a virtuous majority will be ready to punish them: and, if ignorant, emaciated debaucheries, with insane minds, corrupt hearts, and empty purses, should assume the reins of government, and, through imbecility, venality, or adulation to Royalty, betray the honour and interest of the kingdom at home and abroad, very little ceremony will be wanting to enable them to remove and punish the culprits. For, with a virtuous House of Commons, it is just as easy to hang up a rogue of a judge, or a rascally Minister of State, as to wind up a clock when it is down, provided all the principal powers of the machine are sound, and in good order.

At all periods then, when popular divisions arise to such a height as to obstruct the public business of the nation, and a Ministry is become so detestable that the great body of the nation will not place any confidence in them; yet they are still *obstinately* kept in office; the way to obtain redress is to seek it at the fountain head; that is, by taking care to have  
such



such an House of Commons as no Ministry can corrupt ; and if we can attain this point of perfection, we may rest assured, that those who will not be corrupted themselves, will not endure venality in others. But while there remains a shadow of probability, that improper persons would be chosen at a new election, we must remain hopeless of redress for the most afflicting grievances. If, out of favour or affection, or for any other *secret* causes, freeholders will continue to chuse officers of the army and navy, clerks in the Treasury, as well as Members of the Board, Commissioners, and their dependants of the Customs, Excise, &c. the most corrupt administration will always find a majority ; and if a question for half the heads in the nation being taken off, was to be put, it would be carried 200 to 100.

It is a melancholy truth, that, as fast as places have been created, they have been given to members of parliament ; and by the same rule that the office of Lord High Admiral, Lord High Treasurer, and other important posts, have been multiplied by the figures of 5 and 7, they may hereafter be multiplied by 15 and 17, if the danger of losing a majority in the House of Commons should oblige any future Ministry to have recourse to this expedient. Who then shall we call the betrayers of their country ? certainly not those who eke out a mortgaged estate with a place or a pension, and sell their souls to the ministry ; but those who persist in rechoosing men who are in compact for a salary, with any and every administration that will take them into pay.

Yet, with the Cicero of the age, the justly celebrated Edmund Burke, I would not be understood totally to exclude parliament men from holding places ; for it is certain a man may serve his country in two capacities with honour and integrity ; but then let the places be given to men of distinguished merit, rather as a reward, an additional dignity, and not as a means of patching up a broken fortune ; in which case the acceptor is tied down to conditions, which his circumstances will not allow him to reject. Does it follow, for instance, that, because a man has been chosen by a *poor* Borough to represent it in parliament, that therefore he should be a fit person for a Lord Commissioner of the Treasury, Admiralty, Customs or Excise ; and if such a man begs alms of administration, will it not follow, that, to live at his ease, he must see with no eyes, hear with no ears, nor understand with any other judgment but that of the Prime Minister of the day. In short, while every vacancy of 500l. per annum will croud the Minister's levee with members of the Lower House,

and

and Boroughs can be bought for clerks in public offices, we cannot expect to see any other system of politics than the very wretched one of—one part of the representative body servilely complying with all the measures of the servants of the crown, to keep the places they hold under them; and the other *opposing*, with every flagrant mark of impudence and fiery zeal, in order to get them, by the means of raising their matters to the first offices of the state. The true well wishers to their country, who have its real honour and interest at heart, will silently lament its fate; and being resolved not to join the courtiers, nor yet daring to support their opponents, lest, on their accession to power, they should pursue the very corrupt measures they have publicly decry'd, which has often been the case, will at length grow weary of a form of government, the most perfect of any of human institution; and will most cordially give their countenance and support to any grand revolution, which bids fair to exterminate false patriotism out of place, and diabolical oppression and corruption in office. Such a situation of affairs, such a state of parties, and such a contrast of principles and characters, has produced more than one revolution in this country. It should, therefore, be the office of every honest, public spirited man, to moderate his own, and aim at the softening other mens passions; for a political contagion most certainly rages in the land, of which some have died; others have been thrown into fits of lunacy by the violence of the distemper; and lately it has infected two very great Houses to such a degree, that the disordered patients have almost come to scratching and biting; while those who still retain *mens sana in corpore sano*, fervently put up their petitions to the KING of Heaven, that he will be pleas'd to send down the spirit of peace and concord amongst us, as the only desirable cure for this epidemical disease; and that he will not suffer it to spread, till the worst of all remedies is administered without our consent; I mean a general purgation by the *fire* or *sword* of a foreign enemy; much to be dreaded, if the people and their Sovereign are not most firmly united in the closest embraces of reciprocal loyalty, and paternal, universal love.

Let then the banners that we see unfurled in our streets, warn us of our approaching danger, and remind us of national union. Henceforth let Wilkes and Bute sleep in oblivion, and no man be honoured with the name of patriot who does not stand forth with his counsel and his arms in defence of his insulted country; nor any be deemed a *traitor* but he who basely deserts the common cause, sacrifices it to private pique, or gives a haughty foreign power reason to presume, that she may

may safely brave the vengeance of a nation which, undisturbed by domestic feuds, might, with one dash of the pen, terminate all evasive negotiations; and, by one formidable naval expedition, crush all the aspiring hopes of the Bourbon race.

If the King and the Ministry would *beat up* for the people's hearts, and not attempt to *press* them on every occasion, we should not see the Union flag displayed from the windows of empty houses of rendezvous; and his Majesty, whom heaven preserve! would find as little difficulty in carrying victory on the point of his sword, as in writing that dreadful monosyllable *War*, which, proceeding from the pen of the father of a free people, would prove a *death warrant* to the proud Spaniard.

AMATOR PATRIÆ.

For the POLITICAL REGISTER.

To the KING.

*May it please your Majesty,*

A Faithful subject humbly asks leave to take the office of a monitor to your Majesty, without wishing any other recompence than that of your Majesty's safety, honour and happiness. He would wish your eye may fix, for a proper time, upon two paragraphs in the Gazetteer of Dec. 15: "The E. of C——m having asserted, on Tuesday last, that Gibraltar was open to an attack by sea; and that if the enemy were masters of the Bay, the place could not make any long resistance; was answered by another Earl, *Supposing Gibraltar to be now unluckily taken*, it would be no great matter; for although we are not masters of the sea at present, some other time we may; and then there will be no great difficulty in retaking it."

The other article is to this purpose: "Sir E——d H——, on Wednesday last, being asked why, if our navy be so numerous and ready for service, a squadron was not sent to Gibraltar? answered, That, for his part, he did not understand sending ships abroad, when, for ought he knew, they might be wanted to defend our own coast." The remark made, SIR, is this: "Will THAT MAN who sleepeth never awake until destruction cometh upon him! has he no friend, no servant to draw his curtain, before Troy is actually in flames!"

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It is the intention of this address to perform this friendly office for your Majesty. Consider, SIRE, what must be the conclusions which a nation must draw from this language used by your Ministers? What indignation must arise in the breast of every true Briton! Have your Ministers persuaded your Majesty to imagine your seat on the British throne can be either easy or safe, from the support of Jacobites or Papists? Yet these are the characters that have the sole management of our national concerns; and they seem determined to neglect our defence from foreign foes, while they are forging chains for us at home. But whatever efforts may be made to enslave the subjects of your extensive empire, by the advice of the last peace makers, who most probably mean to put this kingdom under the protection of France, Rome, and Sardinia, that they may the better succeed in establishing despotism, be assured that, before they can accomplish this detestable purpose, they must deluge these islands in human blood.

I am, SIRE,  
Your FAITHFUL MONITOR.

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*OBSERVATIONS on the Conclusion of a Representation of the Board of Trade to the King, on the subject of the suspension of the six Protestant Members of the Council of Grenada, who were rudely dismissed the Council Board, for having, with the loyalty, spirit, and integrity of free-born Englishmen, refused to swear in as Members of the said Council, two French Roman Catholic subjects.*

Conclusion of a Representation of the Board of Trade to the King, on the subject of the suspension of the six Protestant Members of the Council of Grenada.

“ At the same time, although it does appear to have been  
 “ your Majesty’s intention, that the two new subjects  
 “ should not be admitted into your Majesty’s Council of  
 “ the Island of Grenada, until certain bills, recommended  
 “ in your Majesty’s instructions of the 12th of October,  
 “ 1768, had been passed by the legislature, yet as they  
 “ have now sat for some time as Counsellors *pro tempore*,  
 “ and as the immediate restoration of the six suspended  
 “ Counsellors, may raise doubts and apprehensions in the  
 “ minds of your Majesty’s new subjects in general in that  
 “ island, we humbly submit it as our opinion, that it may  
 “ be advisable that the two new subjects introduced into  
 “ the Council by Mr. Fitzmaurice, upon the suspension  
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of the petitioners, should be appointed to the first vacancies that shall happen; and we shall accordingly take leave to recommend them, unless your Majesty shall think fit to signify your pleasure to the contrary.

All which is most humbly submitted.

Soame Jenyns,

Geo. Rice,

John Roberts,

William Fitzherbert,

Lisbourn.

Whitehall,

March 2, 1770.

### OBSERVATIONS, &c.

*Non missura cutem, nisi plena cruoris, hirudo.*—HOM.

THE mean subterfuge, which the Secretary of State for the colonies hath here laid hold of, to accomplish his detestable purpose of an invasion of the BRITISH CONSTITUTION, deserves the severest censure, and most open exposure. Let no man subject himself to the imputation of so great ignorance as to suppose, because this representation appears signed by the Lords of Trade, that it is their act, or that their judgments were at all employed about it. The arbitrary will of the Secretary of State for the colonies, is the only rule of their conduct. “*Fiat*,” saith the Secretary of State: “We obey,” say the Lords of Trade; and the only use to which they are now put, is to prostitute their names to the most odious of his measures, in order to secure him a place of refuge, in that day of trial, which will inevitably overtake him. But he may live to find, that the just demands of an enraged people will not be eluded by so shallow an artifice; that their cry for vengeance will be too loud to be appeased by the production of references, reports, or representations; and will only be satisfied by the sacrifice of the guilty director of those measures, by which the nation is disgraced with her friends and allies, exposed to the contempt of her enemies, and her very being as an independent state endangered.

The report, the conclusion of which is the subject of these strictures, was on the occasion of the Lieutenant Governor Fitzmaurice’s violent suspension of six Protestant Members of the Council of Grenada; whose restoration to their seats the Earl of Hillsborough had the grace to order, at the moment when he *consistently* adopts the very measure, which was the immediate cause of the dispute between Mr. Fitzmaurice and the Council; I mean the introduction of two French Roman Catholics into the Council of Grenada, in defiance of law,

of reason, of sound policy, and of that *justice* which the *King* owes to his natural born subjects in that country.

The manœuvre which Lord Hillsborough uses (for it were absurd to talk of the Board of Trade) to procure this introduction is, at once, curious and affecting. Government had, it seems, stipulated terms with the French subjects, on which, and on which alone, this extraordinary measure was to be completed. An illiterate Lieutenant Governor, under the guidance of a man disturbed by the most violent passions, anticipates the King's intentions, disgraces government by dispensing with its terms, violates his first duty by acting in direct contradiction to his instructions, spurns the laws both of Great Britain and of the colony: And then, what does administration to vindicate the dignity of government? It declares Mr. Fitzmaurice's attempt unjustifiable. Upon what grounds? Because even the French subjects despised administration too much to comply with their terms. Yet administration, in the very same situation, and under the very same circumstances (except an additional load of contempt) upon the pitiful pretence that these kind, these complying, these respectful, these obedient, these loving French subjects *may* be inspired with *doubts* and *apprehensions*, adopt and resolve to carry into execution the very same measure. Can the greatest enemy of government wish to see a more humiliating picture of its distress? dignity, even to the very idea of it, abandoned, and every the most common rule of propriety and decency sacrificed.

Fostering administration! had the conduct of your stubborn, though favourite children been amended? Are ye to yield, as they advance in their claims? Are ye to give up *all* to them, as an approbation of their ungratefulness for the *part* they have already received? Logicians! was the measure altered, or did it cease to be, in essence the same, because ye undertook it? Were not the persons, alone, who were to attempt it, changed? Is this your boasted policy? — Blush—blush—and hide your guilty heads.

It may be compassion to his Lordship to correct him in one absurdity, which I fear he has thrown out in the conclusion of the report. He seems to be of opinion, that the two French Roman Catholics, who were sworn of the Council of Grenada by Mr. Fitzmaurice, were, during the time they sat and acted, to all intents and purposes, *legal Counsellors*. His words are, "As they have now sat for some time as Counsellors *pro tempore*," &c. If the interpretation I put on these words be not right, I beg his Lordship's pardon: But if that be his idea, then let him, Secretary of State, and

all knowing as he is, be, once for all, told, and boldly told, "That no French Roman Catholic can exercise any lawful authority, in any part of the British dominions." They were not legal Counsellors. They could not, nor can be, legal Counsellors. As well might I, a private gentleman in Britain, who never saw Grenada, appoint French Roman Catholics to be of the Council; since neither his Lordship, nor Mr. Fitzmaurice have more authority over the laws which have incapacitated them, than I have. Besides, his Lordship, above all men, knows that the authority from whence the Governor derives all his power, receives all his instructions, and which prescribes and regulates his whole conduct, hath declared Mr. Fitzmaurice's appointment to have been *ab initio*, illegal and unjustifiable; and from thence, it is very fair conclusion to say, that no act done by them as Counsellors can be valid or good in law.

The Secretary of State for the colonies is pleased to say through the common medium, the Board of Trade, that it may be advisable to introduce two new subjects into the Council. His Lordship may live to rue this advice, and his whole conduct in this matter. Every true lover of the British constitution reposes himself in the hope of the speedy arrival of the day when that will happen. In the mean time it may be worth his Lordship's while to consider, a little more attentively, the nature of the advice he hath given; and to take a nearer view of the laws, which he hath trodden under his feet, to raise his favourites to power. Let his Lordship take the trouble to read the 12th section of an act of parliament of the 7th and 8th of King William the Third, cap. 22, in these words, "Provided always, that all places of trust in the Courts of Law, or which relate to the Treasury of the said Islands, shall, from the making of this act, be in the hands of native-born subjects of England, or Ireland, or of the said Islands." And then let him recollect, that the members of the Council, with the Governor, compose the Court of Error in Grenada; which I suppose his Lordship will allow to be a Court of Law. Let his Lordship likewise be pleased to read the 9th section of the same act; and then consider the spirit and meaning, as well as words, of both clauses. If, when he has gotten so far, he be not fatigued, he may turn to the statute of the 25th of Charles the 2d, cap. 2; and if he should find his thirst for knowledge increase, he may take a general view of the laws of the land, now in full force against Papists, even natural-born Papists; above all, not forgetting the act of the 12th and 13th of William the 3d, cap. 2, for the further limitation of the crown, and better securing the



the rights and liberties of the subject; and taking in, in his projects, that of the First of William and Mary, cap. 6, which prescribes and establishes the King's coronation oath; and conclude, by reading and attentively considering the King's proclamation of the 7th of October 1763; in which *the royal word is pledged to the King's natural-born subjects in GRENADA, for the enjoyment of the benefits of the laws of the realm of England, in the most full, free and ample manner.* Then let his Lordship lay his hand upon his heart, and solemnly declare, if he does not think that he has (whether from weakness or wickedness, whether knowingly or ignorantly, is totally immaterial) betrayed his royal master; and whether something was not due to the laws, to the constitution, to the King's engagements, to the natural-born subjects in Grenada, and even to *their* doubts and apprehensions.

When justice and a fair hearing are every where else denied, it is to the tribunal of the impartial public, our countrymen in Grenada appeal. There they seek, and there they will have, justice. The constitution hath been most malignantly attacked, and most sorely wounded; and for its restoration they struggle. It is a glorious cause, and, let us remember, it is the cause of every Briton; nor did their relation to us cease when they passed the *Tropic*. We are still bound to aid, to assist, to support them. Our rights are theirs, and theirs are ours. They and we, are but different parts of the same great body-politic; and the same laws, the same privileges, the same interests are common to both, and inseparable from either.

It only remains to inform the public, that, in consequence of the advice contained in the conclusion of the report, Paul Mignot Devoconnu, a French Roman Catholic, of the Island of Grenada, hath been actually appointed a Member of the Council there, *by a mandamus under the King's Sign Manual*, counter-signed by the Earl of Hillsborough, a copy of which is hereto subjoined.

This very man, appointed to so high, so important a trust in the Island of Grenada, is possessed of, and is now, and was at the time of his appointment, and for some time before that event employed in settling, a very large property in land at St. Lucia, an island in the West-Indies, belonging to the French King; and causes his wife and children to reside in France, where the latter are now receiving their education, and imbibing their principles of government, of politics, and of religion.

These are facts which I am warranted to say, were within the knowledge of the Earl of Hillsborough, at the time of the appoint-

appointment;\* and they are now submitted to the public without a comment. None, indeed, is necessary! Those who have hitherto retained any opinion of administration, will be struck dumb with astonishment. Those who have but penetration enough already to perceive to what end they are driving, will only consider it as an additional proof of their shocking purpose; to defeat which, is the first and great duty of every subject of Great-Britain.

A copy of the Mandamus, by which Paul Mignot Devocconu a French Roman Catholic, was appointed a Member of the Council of Grenada.

(Signed)

G E O R G E R.

Grenada.

Trusty and Well-Beloved, we greet you well. Whereas we did, by our additional instructions to you, bearing date the 12th day of October, in the 8th year of our reign, think fit to § declare, that such of our new subjects of our island of Grenada and the Grenadines, professing the religion of the church of Rome, who were, or whose parents or ancestors were actual inhabitants of those islands, and possessors of lands or tenements therein at the time of the treaty of Paris, and who were born at the time of the said treaty, and are now actual inhabitants therein, *shall be capable*, during our pleasure, of being appointed Members of our Council for our said island, provided the number of such Counsellors shall not exceed two at one and the same time: And there being a vacancy in our said Council of Grenada, by the resignation of James Brebner, Esq; who has since taken the name of Gordon, we being well satisfied of the *loyalty, integrity, and ability*

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\* They were communicated to the Earl of H. by several gentlemen, proprietors of Grenada, who attended his Lordship in consequence of the suspension of the six Protestant Members, and were then allowed, by his Lordship, to be a sufficient cause, why Monsieur Devocconu ought not to be appointed. It highly becomes his Lordship to account for this change in his opinion.

§ Respectful, highly respectful as is any declaration of his Majesty, he hath been, notwithstanding, misadvised by his Ministers, if he hath been induced to believe, that *his declaration* can qualify French Roman Catholics to bear offices or trust in any part of his dominions, or, in other words, can make that lawful which the statute laws of the realm have made unlawful.

ity of our trusty and well-beloved Paul Mignot Devocönnu, Esq; one of our said new subjects, have thought fit hereby to signify our will and pleasure to you, that forthwith, upon receipt hereof, you swear and admit him, the said Paul Mignot Devocönnu, to be of our Council in our island of Grenada in America, in the room of the said James Gordon Esquire, late Brebner, provided that if, through length of time, the said Paul Mignot Devocönnu shall become the senior Counsellor in our said island, he shall not, by virtue of that seniority, be capable to take upon him the administration of the government, upon the death or absence of any of our Captains General, or Governors in Chief, or Lieutenants General, or Lieutenant Governors, \*unless the said Paul Mignot

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\* Then if, upon such death or absence, Paul Mignot Devocönnu, being the senior Counsellor, shall thereupon make and subscribe the declaration, he, who was born a natural subject of the French King, and continued so, till, by the event of the conquest of Grenada, he was reduced to the necessity of becoming what is fashionably called *an adopted subject*, he, who hath always hitherto professed the Roman Catholic religion, who hath a large property in the French King's dominions, who educates his family in France and in the Romish religion, will be as capable of representing the King's Majesty in Grenada, and of administering the government there, as his Royal Highness the Prince of Wales, or any other the most faithful natural-born subject in the King's dominions.

The consequences of this strike at the first view, and may amount to no less than the dismembering the crown of this highly valuable acquisition, and its annexation to the dominions of its former proprietor, the French King. And if we consider the operations of ambition, and an inordinate love of power upon the human mind, how probable is it, that a French Roman Catholic, an encroaching spirit, may subscribe what he then would call our unmeaning declaration, when he finds it the only obstacle in his way to so great, so important a command? This sacrifice, it is true, he has not made to obtain his present distinctions; but we must remember, that the wisdom of administration did not make it necessary. In the instance in contemplation it would be necessary; and after having gone so far in the Romish religion, it is left to those who analyze the human heart, to judge how sincere a French Roman Catholic would be in his declaration on such an occasion. The noble Earl will, perhaps, himself allow, that

Mignot Devoconnu, shall thereupon make and subscribe the declaration against transubstantiation, enjoined and required by an act made in the 25th year of the reign of King Charles the Second, entitled, " An Act for preventing Danger which may happen from Popish Recusants ; " but whenever such death or absence shall happen, the government shall, in case of such *Recusancy*, devolve upon the Counsellor next in seniority. And for so doing this shall be your warrant. And so we bid you farewell.

Given at our Court at St. James's, the 14th day of April 1770, in the tenth year of our reign.

By his Majesty's command,  
(Counterigned)

HILLSBOROUGH

To our trusty and well beloved Robert Melville, Esq; our Captain General and Governor in Chief in and over our islands of Grenada, the Grenadines, Dominica, St. Vincent and Tobago, in America ; or, in his absence, to the Commander in Chief of our said islands for the time being.

### For the POLITICAL REGISTER.

*A Vindication of his Grace the D—— of R———D.*

**G**REAT pains have been taken to represent his Grace the D—— of R———d as guilty of the highest ingratitude, in opposing the measures of the present ministry.

Ingratitude is a vice, which the innate generosity of young minds is not easily tainted with. Therefore I could not avoid asking, what obligations have the ministry laid his Grace under ? I was answered, that the ministry had advanced many persons to places under the government upon his Grace's recommendation. Very well ! But, have those persons his Grace recommended, behaved with faithfulness and integrity in the trusts to which they were promoted ? I was told, that was not the question. I answered it was my question ; and I thought it a very material question in the present dispute. For, if those persons have acted with faithfulness, integrity and ability in their respective employments, the ministry were certainly more obliged to his Grace, than his Grace to the ministry ; especially, if we reflect how very unfortunate the ministry have been in this very article of promotions, for want

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that a declaration and subscription of the test, on the eve of the subscriber's assumption of the reins of government ; and when that declaration and subscription were the only remaining terms of such assumption, would be, at least, highly suspicious.

of wit and faithful advisers, or for want of wisdom to direct their own conduct. The present unhappy situation and embarrassment of the ministry has been occasioned chiefly by their improperly advancing to power and trust, men—not recommended by his Grace; men, who bartered their virtue for patents and commissions, and by that very act rendered themselves unfit for any trust whatsoever.

They also say, that the ministry have bestowed two or three peerages upon his Grace's recommendation. This is quite new to me. I always thought the honour of peerage was a stream flowing pure from its fountain, *Majesty itself*, according to the antient form of patents, viz. "*of our own knowledge and mere motion.*" However, although the honour of peerage most certainly carries with it a very interesting obligation, it is an obligation not to the ministry, but to their King and country; an obligation to use all means in their power to support the mutual interest of both; an obligation to advise his Majesty of the secret machinations of those servants who lie in wait to deceive him; an obligation to preserve the true constitution of this free government inviolate, to guard it against the attempts of artifice and force from without, and the more dangerous power of corruption from within; that, as they received it sealed with the blood of their ancestors, they may deliver down the sacred trust, pure and uncorrupted to their posterity.

But how have those noble peers behaved? Have they ever stained the honour to which they were advanced? Have they ever acted unbecoming the dignity of peerage? Have they taken a bribe at any man's hand to betray the interest of their King and country? Have they endeavoured to deceive his Majesty with the cry of peace, peace, when there is no peace? Have they ever attempted to persuade his Majesty to disregard the prayers of his faithful subjects, by representing them as beneath his notice, as the scum of the earth, the off-scouring of all things, as if they meant to interrupt that mutual confidence between the King and his people, without which their mutual happiness and security cannot subsist? Have they sacrificed the public good to private interest? Have they ever represented his Majesty as a party to their personal quarrels, or prostituted public justice to the gratification of private resentment? Have they found out ways and means to embezzle the public money, and then found power and influence to stop all enquiry about it? Have they left no stone unturned to destroy, by bribery and corruption, the remaining virtue of the kingdom, upon which our very existence as a community depends? When virtue is lost, no human force can prevent the fatal

curse of anarchy and confusion. Had they behaved in this manner, his Grace would probably have been as much disappointed as the ministry are now. If, on the contrary, they have supported the true dignity of peerage, espoused the cause of virtue and the interest of their country, to what end is all this complaint, this hurry, bustle and confusion of face? Only because it is not indifferent to the ministry (nor indeed is it to the public) whether they are in place or out.

After all, give me leave to ask, were the pretended favours meant as allurements to draw off his Grace from the rigour of his duty? And is it now matter of complaint, that his Grace's virtue was superior to the temptation? If so, I must congratulate my country upon the appearance of so worthy and noble a character in its defence. I would with equal pleasure have paid the same compliment to the ministry, if they had put it in my power. But I hope we have many names of men left in Great Britain, who have not yet bowed the knee to Baal, whose virtue and public spirit will persevere in a fixed resolution to oppose the baneful torrent of bribery and corruption, and save, if possible, this sinful land, which now stands trembling upon the brink of ruin.

PHILANTHROPOS.

To the PRINTER of the POLITICAL REGISTER.

S I R,

**I**T was with pleasure I saw, in the papers of last week, that a political revolution had happened at Court. Lord Weymouth, it seems, is at last removed from the office of Secretary of State. The fool and D——d is to be shipped off for Ireland, where he may enjoy his bottle; and if he is properly bridled by the Cabinet here, may not be able to do so much mischief there, in his mad pranks, as he did in his department at Whitehall. We are likewise told that Mr. Wood, who, on several occasions, has rendered himself obnoxious to the public, is to retire from business. The *political* stage then, Sir, will be cleared of two of the most wretched actors that ever disgraced this country. The former was only a mere automaton placed in the chair to recruit an empty purse, and to give the reins of tyranny into the hands of the latter, whose savage ferocity and brutality frightened from his office all, whom avarice and ambition had not made the slaves of a bear in human form. But, Sir, what a farce this poor, weak lord is now performing; the man who had not a head to give a rational answer to any foreign minister at his levees, and always

ways behaved more like a conceited, delicate creature, enamoured of nothing but his own sweet person, than a Secretary of State; pretends to grow manly on a sudden—to insist on breaking with Spain, talks of *responsibility*, and propagates a report that he throws up in disgust, because he cannot consent to the same negotiations carrying on with the Court of Spain. Really, Sir, this is carrying the joke too far; and I am utterly at a loss to guess at his Lordship's meaning, unless he intends to varnish over the tragic scene in St. George's Fields, with this newly inspired spirit of patriotism. This, Mr. Printer, is a wonder working age; and if *the best Burgundy* is laid in at the Thatched House, I shall not be surprised if Lord Weymouth enlists into the service of the minority. After he has secured some thousand ounces of plate, and a year's salary in consequence of his second nomination to the Viceroyship of Ireland, where his Lordship will never go, unless he is driven thither by importunate duels,

But whom have we in his place—my good Lord of Sandwich; nay then heaven mend this degenerate age! for it should seem, that mere necessity has obliged the King to this measure: otherwise can it be supposed he would have ventured to confer the office of Secretary of State a second time, on a nobleman whose irregularities in private life have been the constant topic of scurrilous invective; who has been nick-named; and painted in the blackest colours by *one party*, while *the other* have retorted the same compliments on *their* patriot, John Wilkes, till the town has grown quite sick of the amours, intrigues, debaucheries, &c. of Jack Fitch and Jimmy Twifcher. Could the King find no other man to supply the vacancy made by Lord Weymouth's resignation? Indeed, Sir, if I must speak the truth, I believe not; for there are but too classes amongst our titled gentry; fools and men of great talents. As to their private characters, if strictly scrutinized, very little distinction can be made. The man who hates women is fond of gambling; he who detests whoredom, and lives regularly in matrimonial union, scruples not to devote whole nights to the bottle; and he who neither drinks, gambles, nor follows wenches, loves gormandizing, horse-racing, and cock-fighting, to distraction. For God's sake, Sir, if this be the complexion of the times, what is the King to do? If his Majesty must keep the great offices of state vacant, till he can find men of the *proper rank* to fill them, who are pious, good Christians, men of holy and chaste characters, I am afraid he will be under a necessity of officiating personally at the Treasury, the Secretary of State's Office, &c. till the rising generation have been transported to some foreign clime.



to receive a virtuous education, which is not to be had in our fashionable schools, and are returned from their travels versed in the principles of *politics, commerce and the finances*. But as such constant application to business might endanger the valuable life of our most gracious Sovereign, I cannot help congratulating the public on the step his Majesty has just taken. His most inveterate enemies allow, that Lord Sandwich is a man of great abilities; and I can add, from my own knowledge, that he has most of the qualifications requisite for his high department. He is naturally affable, and was always remarkable for being easy of access in office. Indefatigable application to business is another happy circumstance in his public character; a knowledge of men, a clear discernment of the political interests of Europe, a fund of experience, and great firmness of mind, combine to render him a very proper person to take up the national affairs at this crisis. Let us not then be so idle, so trifling, as to quarrel about his private character. We have nothing to do with the domestic transactions of men in public stations; our business is to keep a watchful eye upon their conduct as ministers, not as men. Besides, Sir, a report prevails, that his Lordship is quite reformed, whether by age or inclination it matters not; and, if I am not mistaken, a whisper likewise prevails, that he means to wind up the clue of life on the bottom of popularity, to which end he will very speedily promote some public measures, that will give great satisfaction to the nation in general. Time alone can ripen report into standard truth. Give him at least fair play at starting, and though the odds are against him, yet I confess that I shall not be surprised to see him win the plate, and become a *favourite minister* with the *people*. One thing we may be well assured of, he will not give his advice in the Cabinet for a reconciliation with Spain, unless the most ample satisfaction is obtained for the insult lately put upon the British arms by the infamous capitulation forced upon our garrison at Falkland's Island: "For they were taken prisoners of war in a time of profound peace, and sent home under the usual stipulations made with prisoners taken in open war." I entreat the patience of the public only till the return of the first courier that could arrive from Madrid; after Lord Sandwich has taken an active part in administration. This, Sir, is not a mere ostensible minister; I know Lord Sandwich well; and, believe me, he will be principal or nothing: You see, Sir, that, in this point of view, he is likewise responsible; and, therefore, if he disappoints our hopes, we know who we are to call to account; but as to Weymouth, he always was, and ever will be, in tinsel leading strings. If you give this a place

place in your useful Register, which I find you intend to lay open to all parties, I promise you I will closely follow Lord Sandwich through every closet of the Secretary of State's Office, and you shall hear frequently of his good or bad deeds, as they occur, from

Your's,  
An INDEPENDANT SKINNER.

For the POLITICAL REGISTER.

HINTS recommended humbly to the Consideration of Lord  
N O R T H.

**I**T is wisdom in a *legislator*, it is his duty, maturely to consider what kind of government his schemes have a tendency to form: for some are best adapted to a popular, some to a monarchical, others to a limited state: and, as constitutions differ in their nature, so laws, intended to model or support these, must consequently differ. Hence it appears how much cool deliberation is necessary before a statesman executes his political plans, seeing the least of these, when the offspring of folly, may produce alterations or commotions, which, if strengthened by time, ministerial art, or influence, cannot displace, nor even restrain. An *English Minister* should neither favour a popular government, nor lean to a monarchy, because his sole aim ought to be the preservation of the *constitution*; not on the one hand giving up passively the prerogative of his Sovereign, nor, on the other hand, extending the regal authority beyond its due limits. Whoever adheres to the privileges of the crown with despotic severity, or suffers encroachments upon them with an easy compliance, must be either a slave, or a tyrant: both of these extremes proceed, the one from ignorance, the other from pride.

My Lord, is it true that *you* have meanly crouched to arbitrary power? Will you, through ignorance, overthrow the best form of government in the world? Should the commonwealth be quite unhinged, does your Lordship conceive you have abilities, or power enough, to new-mould it at pleasure? I wish your Lordship would reflect on the *nature* and *tendency* of your political schemes.

There is a remarkable *likeness* in human affairs under different periods. Similar events occur, and similar scenes are acted over again, in the circle of ages. Now true political wisdom will observe such events, it will compare them with the æra of its existence; and, from the analogy, draw such

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conclusions, as promise best to conduce to the honour, prosperity, and preservation of government.

I fear, my Lord, *you* would find this task too irksome, or too difficult. But, to bring it nearer to the compass of *your* understanding, I humbly recommend to your private thoughts the annals of the Scottish Queen, and the succeeding branches of the *Stuart* family. Believe me, my Lord, you are engaged, if on the side of arbitrary power, in a very hazardous, and what may prove to yourself, a very fatal attempt. Be advised then, before it is too late to recede, to provide for your own security, and leave a *divided, defenceless* state, to shift for itself. *This*, if not a sign of your magnanimity, will at least be deemed a proof of your prudence.

*Authority and indulgence*, when properly blended together, compose a mixture both pleasant and salutary. That administration which too easily complies with the humours of the multitude, must weaken the springs, or endanger the fundamentals of the constitution; and *that* which continually runs counter to the inclinations of the people, or turns a deaf ear to their petitions, will, by such imprudent rigour, render even the legal power of the Prince odious, and the least exceptionable parts of his conduct contemptible. The political genius of *Numa* was mild and persuasive; so that he, as it were, "soothed his people out of their untractable and fiery disposition, into the practice of peace and justice." Therefore respect and obedience sprung up, as the fruits of his human legislation. An inflexible *obstinacy*, or *strong passions*, are dangerous, frequently destructive, to those who govern: discontent and disorders innumerable flow from these sources, which fortitude cannot restrain, nor the most consummate policy, at times, remedy. Suppose *power*, united with *resolution*; even, in this case, *persuasion* will do much more than compulsion; because many men, to whom the idea of tyranny is shocking, may be cajoled into a compliance with proposals, on whom force, or violent proceedings, would have little or no effect.

Now which of these plans has your Lordship adopted? Have you yielded to the people at critical times? Have you indulged their prejudices in some particular instances? And in return, have they humbly submitted to the laws, and tendered government cheerful services? Have you, my Lord, tempered your dignity and severity with sweet affability? This gives weight to interest, and you will find one *request* to obtain more than a thousand *demands*. A *complying* virtue is as amiable in a Statesman, as dauntless courage in a General. It is true, obstinacy of temper, or, to give it a softer name, firmness of resolution, is sometimes a sign of a generous mind: but

but does not your Lordship know, that calmness and cool policy is the foundation of a great character, and actions truly noble ?

What redounded most to the praise of *Themistocles* was, that, previous to entering upon a war with the *Persians*, he put an end to all the *civil commotions* in *Greece*, composed their differences, and persuaded them to lay aside all enmity. Much the same is related to the honour of *Alcibiades*. What can be more dreadful in speculation, what so alarming to a brave people, as civil war *within* the walls, and a common enemy *without* ! *Marcus* advised the *Volsians* to invade the *Romans* while they were at variance among themselves, though they had mutually sworn to observe a truce for the space of two years. Does not *Spain* seem, at present, to be actuated by the same dishonourable policy ? And can any think the *honour* of *France* so *delicate*, as to prevent her embracing it.

My Lord, my Lord, where is *your* honour ? Will you give it up to *ambition* ? To gratify this insatiable fiend, will you sacrifice your *country* too ? Having kindled the flames of discontent, will you bury yourself, and your native land, in its ashes ? Can you look with pleasure on the storm, which is continually gathering strength from the troubles you have raised ? Are you resolved, by unpopular acts, to give your enemies all the advantages they can wish ? Are you so grossly ignorant as not to know, that domestic jars either advance the interest of a foreign foe, or the designs of those who may be out of place at home ? Suppose, in the course of a war, adverse events to turn up—suppose your best-laid expeditions to miscarry—would not your enemies blow up the flames of popular disgust ? Have you secured reputation and friends, who will stand by you in critical circumstances ? But, my Lord, if the motives from *personal safety* have no weight with you, forget not, that discord and party contentions weaken and expose the designs of government to its external adversaries.

How great the difference between *over-reaching* an enemy, and *breaking solemn league*, or violating public faith ! *Circumvention* is one thing ; *injustice* another. *Stratagem* in war may be honourable policy ; but infringements upon treaties, and *causeless* depredation, in time of peace, are no better than lawless violence, and bare-faced perjuries.

What artful *compromise*, my Lord, is strong enough to colour over or deface these *eternal truths* ? Under the character of a *peace-patcher*, will you lose that of an *able civilian* ? Know you not that the English nation entrusts its honour, not with the *caballing statesman*, but the *man of honour* ? If it is true, (which I cannot believe) that you have neither fore-

seen

seen, nor prepared, for the impending storm. (I mean a Spanish war) you must be less than a fool; and if you have not spirit enough to resent vigorously a national affront, you must be somewhat less than a man.

The government of some princes has been far from tyrannical in itself, yet their ministers and favourites have rendered it so. By weak and violent measures, they sow the seeds of sedition, but all the *odium* is thrown upon the *Sovereign*. A good, I might say the best of Kings, under the management of bad ministers, loses, never to be recalled, the esteem of his subjects. Then suspicion creates disgust; disgust begets contempt; and contempt fails not to express itself in the *worst terms*. A people once incensed, by the mal-administration of foolish ministers, will scarce allow their Prince good *intentions*;—even the effusions of pity and compliments upon his *private virtues*, testify an aversion to his authority, and a disapprobation of his *public conduct*.

My Lord, do you understand me? Do you feel the force of these sentiments? Look, my Lord, upon the true portrait of an *amiable King*; look upon that hideous daubing you and your colleagues have exposed to public view. For the sake of pity,—for your country's sake,—for God's sake,—open the back scene; that so a royal and gracious Monarch may be seen, and hear the blessings of a grateful people.

C R I T O.

#### For the POLITICAL REGISTER.

*Conclusion of the Account of the Voters for the Hanover Succession.*

See p. 329, vol. 7.

SIR Gilbert Heathcote, Knt. was one of the Representatives for the city of London. He was the grandfather of the present Sir Gilbert Heathcote, Bart. of Normanton in Rutland, married to the Earl of Hardwicke's sister.

John Morgan, Esq; was father to Sir William Morgan, Knight of the Bath, of Tredegar in Monmouthshire. The Morgans of Ruperrale are a branch of this family.

Sir Charles Turner, Knt. was uncle to Sir John Turner, Bart. Member in the present parliament for King's Lynn in Norfolk, the intimate friend of Lord Bute.

Robert Walpole, Esq; was afterwards the celebrated Sir Robert, grandfather to the present Earl of Orford.

Sir Thomas Littleton, Bart. This family is extinct. I cannot find that the present worthy Lord Lyttelton is any way related to it.

Sidney

Sidney Wortley, alias Montague, Esq; grandfather to the present Countess of Bute.

The Hon. Charles Egerton, Esq; was brother to Lord Bridgwater, and great uncle to the present Duke of Bridgwater.

The Hon. Thomas Wentworth, Esq; was grandfather to the present Marquis of Rockingham. His name was Watson, but marrying the daughter of Thomas Earl of Strafford, he took the surname of Wentworth.

Sir Henry Liddal, Bart. grandfather to the present Lord Ravensworth.

Sir William Daines, Knt. Member for Bristol, was grandfather, by the mother's side, to the present Lord Barrington.

Edward Clark, Esq; has a grandson who now lives at Chipley, near Taunton in Somersetshire.

George Balch, Esq; grandfather of Robert Balch, Esq; Member for Bridgwater in the last parliament of George II.

Lord William Pawlet was son to the first Duke of Bolton.

The Right Hon. John Smith; Esq; was at that time Chancellor, and afterwards a Teller of the Exchequer; and in the year 1705 was chosen Speaker of the House of Commons.

Thomas Guy, Esq; Member for Tamworth in Staffordshire, the founder of the hospital in Southwark which goes by his name, and which is the greatest charity that ever was established by a private man.

The Hon. Spencer Compton, Esq; of the Northampton family, was chosen Speaker of the House of Commons in 1714-15. He was afterwards created Earl of Wilmington.

Sir Joseph Jekyll, Knt. afterwards Master of the Rolls.

Sir Thomas Felton, Bart. was great grandfather, by the mother's side, to the present Earl of Bristol.

Sir Richard Onslow, Bart. was grandfather to the present Lord Onslow, Thomas Onslow Esq; was his son; and Denzil Onslow, Esq; was his brother.

Sir Robert Clayton, Knt. was grandfather to the present Sir Robert Clayton, Bart. Member for Bletchingly in Surrey.

Thomas Pelham, Esq; grandfather to the present Lord Pelham, of Hanmer.

Sir Nicholas Pelham, Knt. was uncle to the late Duke of Newcastle.

Robert Eyre, Esq; in the year 1710 made one of the Judges of the Queen's Bench.

Sir John Hawles, Knt. was Solicitor-General to King William at his death.

Charles Cocks, Esq; nephew to the great and excellent Lord Somers, whose character is given by Mr. Addison, in the Freeholder No. 39.

The Right Hon. William Lord Marquis of Hartington, was great grandfather to the present Duke of Devonshire. This family hath ever been distinguished for true patriotism.

William Lawther, Esq; was of the Lonsdale family.

John Pultney, Esq; uncle to the late Earl of Bath.

Matthew Aylmer, Esq; grandfather to the present Lord Aylmer, of the kingdom of Ireland.

Sir John Holland, Bart. was Comptroller of the Household to Queen Ann in 1709-10.

Should I, in the course of my reading, meet with any thing partièular, respecting the gentlemen omitted in the account I have sent you, I shall occasionally communicate it. But, before I conclude, I would observe that, out of the 118 who voted for the Hanover succession, there are not 20 of their descendants in favour at Court.

*Account of the Gentlemen who voted against agreeing with the Lords Amendments to a Bill for the farther security of the Hanover Succession.*

Sir John Stonehouse, Bart. represented the county of Berks at that time. He and Mr. Renda, Member of Walsingham in the same county, always voted on the side of arbitrary measures in church and state. Arthur Vansittart, Esq; Representative in the present parliament for the same county, is, by his mother's side, of this family; and he has a sister, a Maid of Honour to the Princess Dowager of Wales.

Sir Simon Harcourt, Knt. was then Solicitor General. In the year 1707, he was made Attorney-General; in 1710, Lord-Keeper of the Great Seal; and in 1712, he was made Lord-Chancellor. He was counsel for Sacheverel at his trial, and a very active man, especially during the four last years of Queen Anne. He was grandfather to the present Earl Harcourt, who is a Privy-Counsellor, and Lord-Chamberlain of the Queen's Household.

Simon Harcourt, Esq; of Ailsbury, was cousin to Sir Simon. He was the person who carried the impeachment of the excellent Lord Somers, in 1700-1, to the House of Lords.

Sir Samuel Garrard, Bart. was the Lord Mayor of London, before whom Sacheverel, in 1709, preached his famous sermon at St. Paul's. He desired the Doctor to publish it; but

but when he was asked by the House whether he did or not, he immediately denied it, lest he should be expelled.

Richard Crawley, Esq; has, I think, a grandson now living at Greenwich.

The Hon. Arthur Annesley, Esq; afterwards Earl of Anglesey, very active in the House of Lords in 1714.

Sir Roger Mostyn, Bart. grandfather to the present Representative for the county of Flint.

James Buller, Esq; was great grandfather to John Buller, Esq; now Member for Exeter.

The Right Hon. Henry Lord Hyde, was afterwards Earl of Clarendon and Rochester. He was grandson to the first Earl of Clarendon, and grandfather to the present Lady Hyde, of Hindon.

Sir Henry Seymour, Bart. was of the Seymours of Maiden Bradley, Wilts, the ancestors of the present Duke of Somerset.

John Manley, Esq; in the year 1710 made Surveyor-General by the Tory Ministry.

George Granville, Esq; a near relation of the then Earl of Bath. In the year 1710, he was made Secretary of War, in the room of Robert Walpole, Esq; and in the year 1711 was one of the twelve new-made Peers, by the name of Baron Lansdowne, of Biddeford, in the county of Devon. On the day when those twelve were introduced into the House, and the question about adjourning was going to be put, the Earl of Wharton asked one of them, "Whether they voted by their foreman?"—a severe reflection, as thereby he compared them to a petty jury. Lord Lansdowne was, in the year 1715, taken into custody on suspicion of treason.

John Anstis, Esq; afterwards Garter King of Arms. He was also suspected of treason in the year 1715.

Sir Christopher Musgrave, Bart. was a gentleman of good family in Cumberland. It was to him that Pope alluded in the following lines:

*"Once, we confess, beneath the patriot's cloak,*

*"From the crack'd bag, the dropping guineas spake;*

*"And jingling down the back-stairs, told the crew,*

*"Old Cato is as great a rogue as you."*

Epist. III. to Lord Bathurst, of the Use of Riches, line 35.

The case was really this. Sir Christopher was a very high Tory; but in some instances he had been serviceable to King William, for which he was very liberally paid. Once the unsuspected old tory patriot, coming out at the back-door, from having been closeted by the King, where he had received



a large bag of guineas, the bursting of the bag discovered his business there.

John Curzon, Esq; was grandfather to the present Lord Scarfdale.

John Harpur, was great grandfather to Sir Henry Harpur, Bart. Member in the last parliament for the county of Derby.

James Bulteel, Esq; was one of the Commissioners appointed by the Commons to examine all the grants made by King William. But, as the design evidently was to blacken the memory of that excellent Prince, it was rejected in the House of Peers upon the first reading.

Thomas Strangeways, Esq; was great uncle to the present Countess of Ilchester, sister-in-law to Lord Holland.

The Hon. Henry Thynne, Esq; was one of the Weymouth family. This gentleman was grandfather, by the mother's side, to the Dukes of Northumberland.

The Right Hon. John How, Esq; grandfather to Lord Chedworth. He was Vice-Chamberlain to Mary, King William's Queen; but missing some advantages which he proposed to himself, he violently opposed the Court during the whole of this reign, not without some very indecent reflections upon the King himself. This family is the younger branch of Lord Viscount How's, of the kingdom of Ireland.

The Hon. Heneage Finch, Esq; was grandfather to the Earl of Aylesford.

The Hon. John Verney, Esq; grandfather to Lord Willoughby de Broke.

Hon. Lewis Dymoke, Esq; This family has the honour of being the champions of England.

Arthur Moore, Esq; was raised from being a footman without education, to be a Commissioner of Trade and Plantations. He was the person chiefly confided in, regarding all matters of trade and commerce at the treaty of Utrecht in the year 1712. He was concerned in many iniquitous practices, and was one of the persons, by name, excepted out of the Act of Grace in 1717.

His lady and he were exactly opposite in their political principles. It is reported that, soon after the death of Queen Anne, this lady happened to be in company with Lord Bolingbroke. His Lordship, alluding to the humour then prevailing of impeaching some members of the late administration, of whom he was one, said to her, "Madam, I hope that you will favour me with your company to Tower-hill on the day that I am to be beheaded?" To which she immediately replied, "I assure you, my Lord, I should be *very* glad to wait

wait upon you on such occasion; but I am afraid that I shall be obliged on that day to attend my Snub (the name by which she commonly called her husband) to Tyburn."

The Hon. William Cecil, Esq; was second son to the Earl of Exeter.

The Hon. Charles Bertie, Esq; a younger son of the Earl of Abingdon.

Hugh Smithson, Esq; was great uncle to the present Duke of Northumberland.

Sir Francis Child, Knt. His principles he acknowledged; for not long before the death of King William, he declared himself for calling home the Prince of Wales, *i. e.* the late Pretender.

William Bromley, Esq; was a very active man among the Tories during the whole of Queen Anne's reign. He was chose Speaker of the House of Commons in the parliament which met November 1710.

Sir Robert Jenkinson, Bart. was of Oxfordshire. He was a gentleman noted for his high principles in both church and state. He voted against William and Mary's being made King and Queen. He was one of the ninety-two members who refused to sign the voluntary association in 1695, to defend that King when in danger of being assassinated. He was also the friend of Sacheverel. Charles Jenkinson, Esq; Member for Appleby in Westmoreland, a Commissioner of the Treasury, and Auditor of Accounts to the Princess Dowager of Wales; is of this family.

The Hon. Charles North, Esq; was second son to the first Lord Guildford, and great uncle to the Right Hon. Frederick the present Lord North. Some branches of this family were, not many years ago, strongly suspected of Jacobitism. Indeed William Lord North and Grey, whose title fell to the present Earl of Guildford in 1734, was committed to the Tower in 1722, for being concerned in a conspiracy against George the First, with Bishop Atterbury and others. This same Lord North and Grey, in 1713, opposed an address to the Queen to get the Pretender removed from Lorrain. He was a great promoter of the Schism Bill, in short, of all the violent measures of Queen Anne's last ministry. It is rather remarkable, that one of a family, so many years together disaffected to the Hanover succession, should, under a Prince of that House, be raised to the important office of a First Lord of the Treasury. It is not easy to find on what account he is so much distinguished, except it be a merit to be a descendant of a Jacobite family.

George

George Pitt, Esq; was grandfather to George Pitt, Esq; Member in the present parliament for the county of Dorset; Groom of the King's Bedchamber. This gentleman is now, or very lately was, soliciting a Peerage.

Edward Bagot, Esq; grandfather to Sir William Bagot, Bart. Member for the County of Stafford.

Sir Robert Davers, Knt. was grandfather to Sir Charles Davers, Bart. one of the members for the borough of Weymouth. Sir Charles was chose on the interest of administration; but, I think, he is now one of the Minority.

Henry St. John, Esq; was the famous Lord Viscount Bolingbroke, who died in 1751. His real character is strongly marked by his own pen, in his celebrated letter to Sir William Wyndham. The present Lord Viscount Bolingbroke is his nephew.

The Right Hon. Lord Viscount Bulkley, was Richard the third Lord, who died in 1704. His great grandson now is, or lately was, in Westminster School.

The Right Hon. Thomas Mansel, of Morgam, Esq; was, on the change of the Ministry, in the year 1710, made one of the Commissioners of the Treasury; and in 1711 was one of the twelve new-made Peers, commonly called Queen Anne's Jury, by the title of Baron Mansel, of Margam in the county of Glamorgan. The title is extinct, but there is a Baronet or two of the same family existing.

Sir Thomas Meers, Knt. and Robert Byerley, Esq; were both the pensioners of Charles the Second. They lived to a great age.

It may be observed, that I have passed over more names in the second list than I did in the first; the reason is, a very great number of the families in the second list are either extinct, or sunk into deserved obscurity; besides, I have had a particular respect to those who are now in office. Among the descendants of the second list we have now a First Lord of the Treasury, who is also Chancellor and Under Treasurer of the Exchequer, and one Lord Commissioner of the Treasury, a Secretary of State, an Ambassador Extraordinary to France, a Master of the King's Household, two Lords of the King's Bedchamber, and three Grooms of the Chamber, in all they amount to 20; these are the gentlemen who are chiefly confided in, and some of them are among those who are called *the King's Friends*. They are possessed of the most lucrative and most honourable departments of government. Wherein their merit consists is very difficult to find, unless it be in pursuing measures exactly the reverse of those which brought the present family to the throne. It was lately observed

ferred by Lord C——m, that some families have an hereditary right to the smiles of the present Royal House; and the observation is certainly just. But they do not enjoy that right; as plainly appears from the perusal of these lists, and an attention to the chief members of the present administration. The descendants of the first list, who are now in office, one or two excepted, are in the lowest departments, without much interest or influence; the higher are in other hands, more agreeable, it seems, to some persons, but, I am certain, disagreeable to the generality of the people of England. The partiality is so glaring, that, for my own part, I am amazed our gracious Sovereign does not perceive how much he is deceived in his pretended friends. If agreeable, I shall occasionally send you some accounts of a few other persons, who, through inadvertency, have been omitted by me. But I shall now conclude with assuring you, and the public, that King George the Third has not, in all his dominions, a more loyal subject than

*A Friend to the Revolution.*

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*Substance of the great Debate on Thursday December 8th, in a well known Assembly.*

MR. S—j—t G—n made the following motion, agreeable to his promise in the said room the Monday before.

“That a committee of this room be appointed to enquire into the present practice of the law in Westminster-hall, particularly in regard to the Doctrine of Libels, and the Liberty of the Press.”

This motion the learned S—j—t supported, in a very elegant speech of above one hour long; wherein he stated the present, with the former practice of the Courts, in respect to libels; complained of the present mode, in spirited, yet respectful terms; and warmly insisted, that it was the *intention*, in all matters of criminality, that affixed the guilt of the publisher. He observed, in cases of the highest offence, such as *murder or robbery*, where the *intention* does not appear full and satisfactorily to the Jury, the one comes *only* under the denomination of *manslaughter*, the other *trespass*. If then, continues the learned S—j—t, in cases of the highest criminal nature, the laws have fixed us a criterion how to deter-

mine

mine on, how much more is it necessary in subordinate cases?

He particularly mentioned the case of Mr. Almon; and strongly complained of the cruel treatment that bookseller had met with, whom he repeatedly said was *innocent* of the crime laid to his charge, and who had been given up to the *misericordia* of the Bench, by the antient rights and privileges of Jurors being explained away; and is now under an excessive bail of *eight hundred pounds*! which operates as an absolute interdiction to his business. He said, Booksellers, and the Liberty of the Press, were in the most precarious and dangerous situation, if this man, who was innocent of all intension, could be so severely dealt with.

“As for my part, concludes the S—j—t, I am for accusing no particular person; nor would I wish to be understood upon this ground; much less am I a lover of innovation; but I could wish, and the criticalness of the times forces this wish from me, that there was a line of precision drawn where a Juryman may at one view comprehend his power. If this was once established, the whole world would then know what was libellous, and what not. The Bench, nor the Jury, would incur no censure from the voice of the people, and both the odium and the punishment would fall where the written letter of the law pronounced it.”

Mr. Alderman Ol-v-r seconded the motion, and said he was for bringing home the charges to particular persons, and pledged himself to the Room, if this enquiry was agreed upon, to arraign the conduct of L—d C—f J—st—ce M—d.

Sir J—h M—w—y followed Mr. Ol-v-r, and talked of secondary arraignments. He said he had the honour of being a member for one of the boroughs of the county of Surry, and as such, particularly thought it his duty to speak of an affair that happened lately there, which came before a learned J—ge, whose behaviour to the Jury was unfair and unconstitutional, and who strained every nerve of authority to invalidate their opinion, which at last he effected. However, as these particulars would better come on after the present enquiry was first disposed of, he reserved himself for that opportunity.

Ch—s J—k—n, Esq; in opposition to the motion, rose after Sir J—h, and said, “He was astonished to find the gentlemen, who supported this motion, go on such vague and uncertain grounds. The learned S—j—t (says he) who made

the

this motion, confesses he wants to arraign no particular person ; where then is the use of this enquiry ? It is enquiry into — what ! into a matter where no charge is made out. For shame ! then, Gentlemen, be more ingenuous. If you have any charges to make against all, or any venerable J—ge of the Law, bring it home at once, and let the persons so accused have the freedom of defending themselves. As for my part, I have no doubt but the learned J—ge, traduced by the gentleman who spoke second in the debate, will acquit himself with that candour and reputation that is so inseparable to his character.” Here the honourable gentleman wound up his harangue, by quoting a case of Judge Hooker’s, in Queen Anne’s time, which he read from his place.

S—j—t G—n’s motion was also answered with much liveliness, spirit, and good sense, by Col. O—w. The S—j—t, it was well remarked by the Colonel, had made a motion to enquire into the criminal determination of our J—ges, and yet exculpated every one of the J—es from having given any criminal determination. The motion, therefore, he said, was idle, nugatory, and groundless. Or if it had any grounds, those grounds on which he laid the whole stress of his arguments, were nothing more than *Common Fame*. A sandy foundation, indeed. He said he never would impeach any subject of this nation in that Room upon so base, and baseless a charge. For if such a charge was a sufficient cause for an impeachment, he had in his hand a printed paper, signed with the S—j—t’s own name, which he would venture to assert and maintain, is a most infamous, seditious, and traitorous libel : but he could not believe the grave Serjeant, with so grave a face, could ever have signed with his own name so infamous, so seditious, and so traitorous a libel. He therefore would not, nay he could not with propriety, accuse the Serjeant of it, though common fame had frequently reported this libel to be the performance of the very Serjeant himself. He then called upon Mr. Serjeant to avow or disavow the printed paper in question ; adding, at the same time, that if the Serjeant did avow it, he (the Colonel) would pledge himself to the Room, that he would call him to a most solemn account for such avowal. The Serjeant made a short, but not a satisfactory reply ; for he only said, he would answer no such questions.

Mr. C—n—ll spoke very ably upon Mr. Almon’s case, and upon the doctrines lately held about Juries. He spoke of that masterly pamphlet, called a Letter to Mr. Almon, in matter of Libel ; said he would have no man clothed with the robe of magistracy, a politician ; and was strongly for the enquiry.

He said, those who are friends to the noble J—ge ought to be for it, that he may come pure out of it. They are not his friends who oppose it.

Mr. G—y C—p-r said he had that pamphlet, and an able performance it was, but not without some falsehoods. He thought there was no ground for charge against the noble Judge; and therefore was against the proposed enquiry.

The Right Hon. G—e O—w coincided in opinion with his treasury friends, and entered into the merits of the trial at Surry alluded to by Sir J—h M—y. Here he praised the conduct of the J—ge, said he supported that character he always maintained, that of an honest and able man; that the case was a very plain case; that the violence of party would have altered the criminal laws of the land, but for the spirited, humane interposition of the Bench; that, as member for the county, and as a member of society, he owed him his particular thanks for rescuing an innocent man from the inevitable destruction, that would have otherwise overtaken him. He said, that even in respect to the Jury on that affair, the generality of the people were misinformed, as they were not all agreed; one man crying out in coming into the box, "that it was not his verdict."

Young *Reynard* followed the cry; and with all the subtilty inherent to his *species*, asked the supporters of the motion, "what they were about?" "You have yourselves confessed," says he, you are no legal assembly, that you are *de facto non de jure*, and you are going to arraign the venerable J—ges of Westminster-hall, and enter on a revision of the laws of the land—who do you think will pay any compliment to your authority? From your former confessions have they a right? No, they cannot (if they take you at your own words) hold you, or your debates, in any other light, than the idle declamations of so many coffee-house politicians. I have heard a great deal of the people, (says he) and the cries of the people, but where or how am I to find out these complaints? As far as my enquiries have led me, these complaints do not exist; for as long as the majority of this Room continue to think otherwise, (who are the people, by being their legal representatives) I shall think with them."

The Hon. C—st—e P—ps replied in a very masterly and temperate manner. He stated the danger in which the liberty of the press was, from the doctrines laid down about Juries. He likewise shewed the dangerous situation in which every bookseller stood, from the cruel and unfortunate case of Mr. Almon, who was a *feller* only. And if there was an end of

of bookfellers, there was an end of learnings, and the liberty of the prefs.

Alderman T——d, in behalf of the motion, spoke next, and entered warmly into the *recent* abuses of the law in Westminster-hall, in dictating to Juries, and explaining away their just rights and privileges. He said, from the treatment of this motion, by the members in opposition, they seemed to look upon it as frivolous; but that for his part there was nothing he so much dreaded as a *corruption* in the legal magistrates, as the constitution could not long survive that era. He then came more home to his subject; said he was afraid there was too great a *vicinity* between the Palace of St. James's and the Hall of Westminster; that he had good grounds for his fears; for that he was well informed, that a certain great J—ge, not long dead, had been tampered with; that, very much to that great man's honour and memory, he treated such offers with contempt: and not many hours before his death, sent back a letter unopened, because he suspected the contents not to be honourable. From such facts (continued he) what have we not to dread? Is it not time, full time, to come at least to an enquiry, and establish that part of the law, which from its present uncertainty gives that latitude to its magistrates, upon more fixed, precise, and unalterable grounds?

Sir G. S——e spoke, in a very able and spirited manner, against the doctrines laid down in Westminster-hall, relative to Juries; and was for the enquiry.

Sir G. E——t was against the enquiry, and quoted the case of the King against Franklin, from the State Trials, in which the same doctrines had been held.

Mr. S——t G——n replied, and adverted to the case of Almon, who had been convicted by those doctrines; which he pronounced to be unconstitutional and illegal; and said, when we have lost our right of Juries, there is nothing left in the constitution worth caring for.

Mr. B——ke spoke indignantly well. He said the prosecution of Mr. Almon was a *malicious* prosecution. He stated the manner in which he had been *selected*, brought *first* to trial, &c. &c. As a friend to the noble J——ge he was for the enquiry, and he hoped all his friends would be for it.

Mr. W——rb——ne spoke exceedingly well on the same side. He said Juries were the proper judges of the *whole* matter in issue; that they stood between the accusation and the accused; and it is by them, and them only, that the accused can be handed up to punishment.

Mr. C——ft said, the prosecution of Mr. Almon was particularly oppressive; that, besides the excessive bail of *eight*



*hundred pounds!* he had been informed, from very good authority, that his law expences amounted to *one hundred and forty pounds!*

The debate lasted till half an hour past twelve o'clock, when every thing that could be said being already exhausted, the united cry of "the question! the question!" induced the Chairman to follow their advice. The room being accordingly cleared, they divided: Against the motion, 184; For it, 76. Majority against it, 108.

*Speakers for.*

S—j—t G—n,  
Alderman Ol—v—r,  
Sir J—h M—w—y, Bt.  
Mr. C nn—ll,  
Mr. P—ps,  
E—nd B—ke,  
L—d G—ge G—m—e,  
Sir G—ge S—lle,  
Mr. W—rb—ne,  
Col. B—re,  
Alderman T—d,  
Alderman S—ge,  
Mr. D—nn—g.

*Speakers against.*

L—d C—re,  
G—y C—p—r, Esq;  
Mr. J—k—n,  
At—y G—l,  
S—r G—l,  
Right Hon. G. O—w,  
Col. O—w,  
Mr. F—rr—ft—r,  
Mr. F—zp—tr—k,  
Hon. C—s F—x,  
W—lb—re E—s, Esq;

*A Copy of Judge KEELINGS Case, taken from the Parliament's Journal, die Mercurii II. Decembris 1667.*

THE House resumed the hearing of the rest of the report touching the matter of restraints upon Juries, and that upon examination of divers witnesses in several clauses of restraint put upon Juries, by the Lord Chief Justice Keeling.

Whereupon the Committee made their resolutions.

First, That the proceedings of the Lord Chief Justice in the cases now reported, are innovations in trials of men for their lives and liberties; and that he hath used an arbitrary and illegal power, which is of dangerous consequence to the lives and liberties of the people of England, and tending to the introducing of an arbitrary government.

Secondly, That in the place of judicature the Lord Chief Justice hath undervalued, vilified, and condemned Magna Charta, the great preserver of our lives, freedom, and property.

In

In consequence of this attack made upon the proceedings of Lord M——, his Lordship being *stricken*, thought proper, on the Monday following, December the 20th, to leave with the Clerk of the H— of L— the following paper, as his justification.

*An Accurate and literal COPY of Lord MANSFIELD'S PAPER left with the CLERK of the HOUSE of LORDS.*

“ COPY of the unanimous Opinion of the Court of King's-Bench, in the case of the King against Woodfall, delivered and read by the Lord Chief Justice, on the 20th. of November, 1770.

“ **T**HIS comes before the court upon two rules. The first obtained by the defendant to stay the entering up judgment on the verdict given in this cause.

“ The second obtained by the attorney-general, that the verdict may be entered according to the legal import of the finding of the jury.

“ The last rule must, from the nature of it, be first discussed, because the ground of argument upon the other cannot be settled till this is disposed of.

“ Upon this rule it is necessary to report the trial.

“ This prosecution is an information against the defendant for printing and publishing a libel in the Public Advertiser signed Junius.

“ The tenor of which is set out with proper averments as to the meaning of the libel, the subject matter, and the persons concerning which and of whom it speaks, with innuendoes filling up all the blanks and the usual epithets.

“ In support of the prosecution they proved by Nathaniel Crowder, that he bought the paper produced, and twelve more, from Colfield, the defendant's publisher, in the defendant's publishing-room, the corner of Ivy-lane.

“ That he goes often there, has occasionally seen the printing-room, and has had papers in the printing-room.

“ They read the paper produced, and the tenor agreed with the information.

“ George Harris, register of pamphlets and news-papers, proved, that the defendant himself and servants paid the duty for advertisements in the Public Advertiser; that defendant had paid himself, and all the payments were on his account.

“ That

" That defendant has made the usual affidavit, and has been allowed the stamp duty for such papers as were unfold.

" That the duties on advertisements in the paper now in question were paid by defendant's servant, and the receipt given on defendant's account.

" William Lee, clerk to Sir John Fielding, proved, that he often carried advertisements, for the Public Advertiser, to the defendant's, the corner of Ivy-lane.

" That he generally paid ready money; that he had seen money paid to the defendant for advertisements, and he had a receipt from the defendant, signed by him, the 29th. of November, for 32l. for printing advertisements in the Public Advertiser. On the part of the defendant they called no witnesses.

" His council objected to some of the innuendoes, but they principally applied to the jury to acquit the defendant from the paper being innocent, or not liable to the epithets given it by the information; or that the defendant's intent in publishing, did not deserve the epithets in the information.

" There was no doubt but that the evidence, if credited, amounted to proof of printing and publishing by the defendant.

" There may be cases where the fact proved as a publication, may be justified or excused as lawful or innocent; for no fact which is not criminal, in case the paper be a libel, can amount to a publication of which a defendant ought to be found guilty.

" But no question of that kind arose in this cause.

" Therefore I directed the jury to consider whether all the innuendoes, and all the applications to matter and persons, made by the information, were in their judgment the true meaning of the paper.

" If they thought otherwise, they should acquit the defendant: but, if they agreed with the information, and believed the evidence as to the publication, they should find him guilty.

" If the jury were obliged to find whether the paper was a libel, or whether it was a libel to such a degree as to deserve the epithets given it by the information, or to require proof of the express intent of the defendant in printing and publishing, and of its being malicious to such a degree as to deserve the epithets given by the information—then this direction was wrong.

" In support of it, I told them, as I have, from indispen-  
sable duty, been obliged to tell every jury, upon every trial of  
this kind, to the following effect.

" That

" That whether the paper (meaning as alleged by the information) was in law a libel, was a question of law upon the face of the record; for, after conviction, a defendant may move in arrest of judgment, if the paper is not a libel.

" That all the epithets in the information were formal inferences of law from the printing and publishing.

" That no proof of express malice was ever required, and is in most cases impossible to be given.

" That the verdict finds only what the law infers from fact: therefore, after conviction, a defendant may, by affidavits, lessen the degree of his guilt.

" That where an act, in itself indifferent, if done with a particular intent, becomes criminal, there the intent must be proved and found: but where the act is in itself unlawful, as in this case, the proof of justification, or excuse, lies on the defendant, and in failure thereof, the law implies a criminal intent.

" The jury staid out a great while, many hours; at last they came to my house; (the objection of its being out of the county being cured by consent.) In answer to the usual question put by the officer, the foreman gave their verdict in these words:

" *GUILTY of printing and publishing ONLY.* Nothing more passed.

" The officer has entered up the verdict literally, without so much as adding the usual words of reference, to connect the verdict with the matter to which it is related.

" Upon this the two rules I have stated were moved for.

" Upon that obtained by the attorney-general, the affidavit of a juror was offered by the counsel for the defendant.

" But we are all of opinion that it cannot be received.

" Where there is a doubt upon the judge's report, as to what passed at the time of bringing in the verdict, there the affidavits of jurors or by-standers may be received, upon a motion for a new trial, or to rectify a mistake in the minutes.

" But the affidavit of a juror never can be read as to what he then thought or intended.

" This motion consists of two parts: first, to fill up the formal words of reference; second, to omit the word *ONLY*.

" We are all of opinion, that the first is a technical omission of the clerk, and ought to be set right.

" As to the second, that the word *ONLY* must stand in the verdict.

" There is no ground (from any thing which passed) to explain the sense of the jury, so as that the officer ought to have entered a general verdict.

" No

" No argument can be urged for omitting the word ONLY which does not prove that it can have no effect, though inserted; and therefore it is a question of law upon the face of the verdict.

" The defendant's motion must be considered upon the ground of the word ONLY standing; was it omitted, then could be no doubt.

" Guilty of printing and publishing, where there is no other charge, is guilty; for nothing more is to be found to the jury.

" In the case of the King against Williams, the jury found the defendant guilty of printing and publishing the North-Briton, No 45; the clerk entered it up guilty, and no objection ever was made.

" Where there are more charges than one, guilty of some ONLY is an acquittal as to the rest.

" But in this information there is no charge, except for printing and publishing.

" Clearly there can be no judgment of acquittal; because the fact found by the jury, is the very crime they were to try.

" The only question is, Whether, by any possibility, the word ONLY can have a meaning which would affect or contradict the verdict.

" That the law, as to the subject matter of the verdict, is: I have stated, has been so often unanimously agreed by the whole court, upon every report I have made of a trial for libel, that it would be improper to make it a question now in this place.

" Among those who have concurred, the bar will recollect the dead, and the living not now here.

" And we all again declare our opinion, that the direction is right and according to law.

" This direction, though often given, (with an express request from me, that if there was the least doubt, they would move the court) has never been complained of in court; and yet, if it was wrong, a new trial would be of course.

" *It is not now complained of.*

" Taking then the law to be according to this direction the question is, Whether any meaning can be put upon the word ONLY, as it stands upon the record, which will affect or contradict the verdict.

" If they meant to say, that they did not find it a libel, or did not find the epithets, or did not find any express malicious intent, it would not affect the verdict; because none of the things were to be proved or found either way.

" If, by ONLY, they meant to say that they did not find the meaning put upon the paper by the information, they should have acquitted him.

" If they had expressed this to be their meaning, the verdict would have been inconsistent and repugnant; for they ought not to find the defendant guilty, unless they find the meaning put upon the paper in the information; and judgment of acquittal ought to have been entered up.

" If they had expressed their meaning in any of the other ways, the verdict would not have been affected, and judgment ought to be entered upon it.

" It is impossible to say with certainty what the jury really did mean; probably they had different meanings.

" If they could possibly mean that which is expressed would acquit the defendant, he ought not to be concluded by this verdict.

" It is possible some of them might mean not to find the whole sense and explanation put upon the paper by the innuendoes in the information.

" If a doubt arises from an ambiguous and unusual word in the verdict, the court ought to lean in favour of a *Venire de Novo*.

" We are under the less difficulty, because, in favour of a defendant, though the verdict be full, the court may grant a new trial.

" And we are all of opinion, upon the whole of the case, that there should be a new trial."

On Wednesday the 12th, LORD CAMDEN having read Lord Mansfield's opinion, which was left with the clerk of the house, desired to ask Lord Mansfield some questions on account of the **OBSCURITY** and **AMBIGUITY** of some parts of the opinion, on which Lord Camden said, depended in his mind the necessity of a farther inquiry as to that question.

LORD MANSFIELD declared he would not answer **INTERROGATORIES**; and intrenched himself in the paper, which, he said, contained all he ever thought concerning libels.

LORD CHATHAM said, if Lord Mansfield continued peremptorily to refuse answering any doubt on his own paper, the ambiguity was intentional; and the manner of his communicating it, a dark contrivance to shelter himself, to take the House of Lords by surprize, to take the kingdom by surprize, and to sap the power of Juries: speaking of libels, Lord Chatham, amongst other things, said emphatically, that no man could libel the King.

LORD MANSFIELD repeatedly refused to utter the least word, or the least explanation of the paper; but took occa-

sion, or rather made occasion, to introduce by head and shoulders, an eulogium of the *Trial by Jury*.

LORD CAMDEN congratulated the House on the *exhibit*, and wished a *certain note* to be burned, which had, he believed, crept even into the law-books; at least, he said, it had been pleaded before him in the Common-Pleas by a learned Serjeant, who insisted that it was Lord Mansfield's *declared* opinion that "the trial by Jury was the worst ever invented; that it might indeed have done in feudal times, but would be now intolerable, were it not for the power of Judges to grant *new trials*."

LORD MANSFIELD made no reply to this.

LORD CAMDEN pledged himself to take this matter up after the holidays.

LORD CHATHAM concluded by saying—No matter what *King*, no matter what *family* on the throne, Juries must never be parted from.

The DUKE of GRAFTON made a speech, which his Grace intended as a justification of Lord Mansfield.

He was answered by LORD SHELBURNE, who concluded with saying, that "it was not so much the concern of an honest Statesman, *how many*, as *how secure*, *how happy* are the subjects; that all other considerations ought to give way to constitutional, important points, like these; that in other questions, we may say with Cæsar, that we fight for glory; but in these for life: and that therefore he pledged himself, his life and fortune, to see this question of Juries settled.

The debate finished with Lord Camden's Questions being left with the Clerk of the House of Lords, in the same manner as Lord Mansfield's Paper was; where they remain to keep the holidays together.

*An accurate and literal COPY of Lord Camden's Questions left with the Clerk of the House of Lords.*

### Q U E S T I O N S.

1st. Does the opinion mean to declare that the Jury upon the general issue of Not Guilty, in the case of a Seditious Libel, have no right by Law to examine the innocence or criminality of the Paper, if they think fit, and to form their verdict upon such examination at their Peril?

2dly. Does the Opinion mean to declare that in the case abovementioned, when the Jury has delivered in their verdict Guilty—That this verdict has found the Fact only, and not the Law?

3dly

3dly. Is it to be understood from this Opinion, that if the Jury come to the Bar and say, that they find the Printing and Publishing, but that the Paper is no Libel, that in that case the Jury has found the Defendant Guilty generally, and the verdict must be so entered up?

4thly. Whether the Opinion means to say, That if the Judge after giving his Opinion of the Criminality or Innocence of the Paper leaves the consideration of that together with the Printing and Publishing to the Jury, such a direction would be contrary to law?

5thly. Whether the dead or the living Judges alluded to in this Opinion, did declare such Opinion in open Court, and whether the noble Lord has any note of that Opinion?

6thly. Whether such Opinions were declared upon solemn argument, or upon any point then judicially before them?

# For the POLITICAL REGISTER.

*Remarks of a very great and noble Lawyer, on the late Decision of the Case of the King against Woodfall.*

THE solemnity with which the late opinion is clothed by being called a judgement of the court of King's Bench, made me desirous of knowing how it became so, and who gave it that name. A friend told me that it was owing to Lord Mansfield, and asked me whether I did not recollect the court condemning general warrants, without having any matter before them whereby they necessarily became an object of consideration: that was a precedent for this. There were two motions made to the court in consequence of the verdict in the *King against Woodfall*, the one was "to stay the entering up of judgment on the verdict," and the other "that the verdict might be entered according to the legal import of the finding of the jury." On the latter motion the counsel were encouraged to go into what passed at the trial, and the chief justice declared it was necessary to report the whole.

Now these things pass my understanding. Because nothing can be requisite for the court to determine such motion, but the charge, the plea, and the finding of the jury. It was known and is allowed to be clear law that the verdict must be entered in the words it was delivered, and "no affidavit of a justice can be read as to what he then thought or intended. There is no ground from any thing which passed to explain



"the sense of the jury." The words after being received must speak for themselves. "And therefore it is a question of law upon the face of the verdict." The report of the evidence, the arguments of counsel, or directions of the judge, cannot be of any use. No such collateral matter ought to be admitted. The court cannot travel out of the record in quest of something to ground their opinion upon: They must confine themselves to the very words of the finding, apply them to the information and plea, and then see what will be their effect. Every thing else is matter *dehors*; and can only tend to mislead and to give a wrong bias.

Such report therefore was unnecessary and impertinent, the legality of the judge's directions was not in judgment before the court, and they could not give any opinion thereon without doing what was extrajudicial and irregular; and consequently this determination was a rash and a voluntary act, and can carry no legal authority whatever with it. Did not we know that Lord Mansfield's practice needs no support, one would be tempted to suppose that these directions were first slid in upon the court for the sake of procuring their sanction; and afterwards into a *super* or *judicature* for the like end. But that cannot be, for it is said that "the law as there stated has been so often unanimously agreed by the whole court, upon every report made by Lord Mansfield of a trial for a libel, that it would be improper to make it a question now." And that among those that concurred, "the bar may recollect the dead and the living not present." Now, under these circumstances I should be glad to know in what one case this ever happened.

Nothing but a motion for a new trial, upon the ground of misdirections to the jury, could bring the matter before the court. Let us enquire then in what one case this hath taken place within the last fourteen years. From the expression I suppose it must have fallen out very frequently; and my non-attendance at the bar has been the occasion of no instance coming to my knowledge? The discourse among the brotherhood at their computations is so totally extrajudicial and so incapable of being ascertained that this cannot be what is meant.

But if what was ruled in the *King against Woodfall*, be intended, and I conceive it is, for a complete code of the law in libel, I am surprized to read in the news-papers, that the noble penner hath declined answering some plain questions put for the more clear ascertainment of his doctrine, and its binding force as a judgment. When four months had been taken finally to settle it, and it was officiously intruded upon the

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great world as complete, the intimation of a doubt about its meaning, especially from a peer of the same profession, should have produced an immediate explanation. But that is refused, and the opinion is to remain a dark-lantern for political application hereafter. It was asserted in another place, that the noble judge avowed to every body his adjudication, and wished for nothing more than an opportunity of fully declaring it, for the sake of certainty in so agitated a question. All this only serves to shew the man! For an explicit resolution of the queries must and will come, after six weeks more consultation, and one or two farther intermediate, ambiguous Answers.

To recapitulate for a moment. *Scroggs*, our Prototype, in 1679, talks of law and fact in libel, the one for the jury and the other for the court, but sums up both to the jurors. Being grown flouter in 1680, he tells them they have nothing to do with the law and must be bound by the court's directions with respect to it; nevertheless he states to them shortly the nature of the libel, and does not keep it absolutely from them.

The house of commons fall upon his Lordship, (whom Burnet represents as a plausible speaker, an indifferent lawyer, and a man of no principles) and we hear no more of him. Pemberton, his successor, professedly submits both law and fact to the inquest. Jefferies who was put into his place, re-declares the law to be the province of the court alone, but nevertheless lays both that and the fact fully before the jury. Lord Chief Justice Wright acts like Pemberton. Thus stood the matter under the Stuarts. The revolution takes place, and Holt for twenty years treads in the steps of Pemberton and Wright. However it seems that Raymond, who had been solicitor-general to Queen Anne's Jacobite administration, when he became chief justice, renewed, in 1731, the positions of Scroggs, by telling the jury, they had nothing to do with the libellousness of the paper, and in the King against Franklin (printer of the Craftsman) only summed up the evidence of the publication and of the interpretation of particular words, commonly called the innuendoes. But it is observable that the attorney-general of the time, Sir Philip Yorke, although he asserted libel not to be a legal consideration, yet went at large into reasons to satisfy the jury that the paper in question was really a libel; and this conduct of his, under such a judge, is a convincing proof of his own opinion, and the whole ought, under the direction and instruction of the court, to go to the jury. Lee for sixteen years conducted himself, without

without reproach, like Pemberton, Wright, Holt, and Handwicke. Then comes Lord Mansfield, who unites the principles of Jefferies, with the practice of Scroggs, and the Conduct of Raymond, and, after fourteen years, procures his whole court to sanctify this conduct, and even to go one step farther, and to declare, that if a jury find the fact of publication, and the innuendoes, but say the defendant is not guilty as to the libel and criminal intent, such latter finding will be of no effect, and a general verdict of Guilty must be entered, for a jury cannot, if they will, take upon them to judge of the law and the fact. This adjudication makes a noise, and the public grow alarmed. His friends say he has only trod in the steps of his predecessors, the doctrine has been invariable, and my Lord Raymond, in the *K. and Franklin*, is an authority in point. This single instance of one judge, at Nisi Prius, with-holding the determination of the criminality of the paper from being enquired into, is at once erected into a solemn judgment in point, and called the uniform usage of judges; and then the noble lord, sinking altogether the other novelty of declaring that 'a finding of Not Guilty upon the libel would signify nothing,' cries out 'Quid faci, ubi lapsus!' at most, 'Error communis facit jus!' His friends triumph, and he confidently brings forth the sum of his doctrine, saying, 'Conscia mens recti; non civium arder prava iuventium mentem quatit sol dam.' His summary, however, of libel law being couched in ambiguous terms, and hypothetical positions; his Lordship is desired to say explicitly what he means, he grows indignant and contemptuous, refuses and protests against any compulsory Examination upon Interrogatories, though framed by a lawyer, and professed to be for his own exculpation, as in injury to the Liberty and freedom of a Peer. And here we all are at present, in amazement, uncertainty, and confusion. Nothing more therefore can be said upon this head.

P. A.

## POLITICAL INTELLIGENCE.

ON Saturday the 20th of October there appeared in the London Gazette a promotion by his majesty of six captains to the rank of admirals; by which promotion seven very worthy officers, their seniors, were superseded, to the great surprise of every person acquainted with the navy. On the Saturday following the seven captains so superseded were likewise promoted to be admirals, and their rank and pre-

precedency restored to them. This second promotion was still more surprising than the first. Col. Barré in the house of commons frequently called upon lord North to account for this strange proceeding, because, he said, one of the two steps must be wrong; if the seven deserved to be superseded, they ought not to have been restored; if, on the other hand, they deserved the rank they had now obtained, it was ungrateful and scandalous to put such a slight upon their services, and such a stigma on their characters, as had been done by superseding them. Lord North being pushed pretty hard one day on this subject, answered festively, that it was not in his department; that he would neither avow the measure nor disavow it; that his gentlemen wanted to know who had advised his majesty to act so, they ought to ask the first lord of the admiralty, in whose department it was.

When this was said by lord North, it was generally understood that Sir Edward Hawke's infirmities, and attention to other business, would prevent his being at the house of commons this winter. However, when the augmentation of the navy was moved for, Sir Edward Hawke was in the house. Colonel Barré took the opportunity to apply to Sir Edward for the solution of this mystery of a double promotion. Sir Edward Hawke declared, that though in his department, it was not done by his advice; he said, he would tell the house all he knew concerning it. "I was directed to lay before his majesty a list of the officers of the navy down to lord Howe inclusive, which I did according to their seniority, distinguishing the length of service, and the particular character and services of each. His majesty immediately gave me a ready-written list of six, whom he said he had chosen to promote to the rank of admiral. I requested his gracious permission to represent to him that this promotion superseded seven senior officers, distinguished for their character, and eminent for their services. His majesty replied, that he chose only those six. I then requested his gracious majesty, that the seven superseded officers might be permitted to lay memorials of their services before him. This his majesty most graciously permitted. I had afterwards orders to cause the names of the seven superseded officers also to be inserted in the Gazette." Colonel Barré took occasion from this history to observe, that it was the same case in the admiralty, as in every other part of government; that there was a certain busy devil that thrust its head into every department, and did the business for every officer of state; that we have a nominal minister, nominal secretaries of state, nominal privy-council; men whose names are only used for responsibility; that

that to a despicable junto, who form the interior cabinet, may, at the risk of others, work mischief in darkness and security.

*St. James's, Dec. 4.* The following address of the lord mayor, sheriffs, commons, and citizens of the city of Dublin, having been transmitted by his excellency the lord lieutenant of Ireland to lord viscount Weymouth, one of his majesty's principal secretaries of state, has by him been presented to the king; which address his majesty was pleased to receive very graciously.

To the King's Most Excellent Majesty.

The humble address of the lord mayor, sheriffs, commons, and citizens of the city of Dublin, in common council assembled.

Most Gracious Sovereign,

WE your majesty's most dutiful, loyal, and affectionate subjects, the lord-mayor, sheriffs, commons, and citizens of your faithful city of Dublin, in common council assembled, beg leave humbly to approach your majesty with the most sincere assurance of our steady attachment to your majesty's illustrious person and family, and our ardent wishes that your reign over us may be long, and as transcendantly distinguished as your virtues.

Emboldened by our experience of that attention which your majesty affords to every part of your subjects, permit us, most gracious Sir, to represent, at the foot of your throne, that from some defects in the present laws relative to corn, flour, and other necessities of life, in the laws affecting the police of this city, and from the expiration of several temporary statutes, a situation in which we most humbly conceive we can only be relieved by the meeting of parliament, your faithful subjects of this metropolis experience many and great difficulties, and apprehend yet greater.

Pardon, most gracious sovereign, that we presume further to submit to your parental goodness, that certain public works, necessary to the commerce of this city, which were begun and promoted by national bounty, must be indebted to the same bounty for their completion; and that your subjects of this metropolis, who, by large importations of the manufactures of Great Britain, have provided for their domestic consumption, which in every alternate year encroaches in proportion to the number assembled for national business, do already feel a decay of their trade and credit, and even from a temporary decrease of inhabitants.

Grateful for the many blessings derived to us from your majesty's parental affection, and conscious that relieving the  
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wants of your people succeeds to the knowledge of them, we presume to obtrude our cares upon your majesty's more weighty concerns; and humbly beseech your majesty to take these our circumstances into your royal consideration, and to grant us such relief as your majesty in your royal wisdom shall think fit.

In testimony whereof we have caused the common seal of the said city to be hereunto affixed, this twenty-ninth day of October, in the year of our Lord one thousand seven hundred and seventy.

*Whitehall, Dec. 19.* The king, on the resignation of the right hon. lord viscount Weymouth, has been pleased to deliver the seals of the southern department to the right hon. the earl of Rochford, and to appoint the right hon. the earl of Sandwich principal secretary of state for the northern part of the Court at the Queen's House, the eight day of December, 1770.

P. R. E. S. E. N. T.

The King's Most Excellent Majesty in Council.

His majesty having been pleased to appoint the right hon. John earl of Sandwich, to be one of his majesty's principal secretaries of state, his lordship was this day, by his majesty's command, sworn one of his majesty's principal secretaries of state.

This day the right hon. Henry Frederick Thynne, Esq. was, by his majesty's command, sworn of his majesty's most honourable privy council, and took his place at the board accordingly.

*Whitehall, Dec. 22.* The king has been pleased to grant unto the right hon. lord Le Despenser, and to the right hon. Henry Frederick Thynne, Esq. the office of post-master general.

*From the London Evening Post, Dec. 29, 1770.*

It is confirmed that the French king has dismissed his minister, M. de Choiseul. For the present Choiseul is banished to his estate at Chantilly; but he will speedily be ordered to remove to a place of greater distance from the court.

—This measure cannot fail giving great spirits to the French nation, as Choiseul and his party, were as much detested in France, as the Carlton House Junto is, at this moment in England. — Would to God our king would banish the Faction about him to their *Chateaux* in the north.

The French king (at the instance of Madam Barré) has raised to power the party of the prince de Soubize. And the Duc d'Aiguillon is now made prime minister of France, in the room of M. de Choiseul.

## AN IMPARTIAL REVIEW OF POLITICAL WORKS.

*Thoughts English and Irish, on the Pension List of Ireland.* 8s.  
rs. 6d. Kearsly.

**T**HIS curious and instructive pamphlet was published in November last; but the extraordinary length of Junius's letter to Lord Mansfield, and of the debates at the opening of the present session of parliament, prevented an enquiry into its merits or demerits in the course of the following month. Our readers however will not have any reason to complain of this necessary delay for we have there had an opportunity of collecting the sense of the public on this performance, which we find has been very favourably received. The pension list of Ireland has often been the subject of political animadversion, but the pointing out with degree of accuracy and precision, the absurdity, injustice and oppression of this annual burthen laid on our sister kingdom was reserved for the pen of our author.

He most justly observes that there are several points of view wherein this pension-list may be considered, in every single one of which it must afford ample scope for very serious speculation. Whether we regard the sum total—the accumulated burthen—Whether we look into its distribution, and the appointment of its parts—Whether we consider the number of this army of pensioners, as a band of court minions, ever ranged on the side of the minister of the day—Or, whether we condescend to analyse the ministerial legion, to search into the merits of each individual respectively who personally contributes to compose the corps, and endeavour with the sharpest eye of the most penetrating sagacity to discover what services, whether actually performed, or even barely attempted, he founds his claim to a support from the kingdom of Ireland—In fine, whether we view this heterogeneous catalogue of English, Dutch, French, German, Scotch and Irish names, with the several sums thereunto annexed, as immediately oppressive in an extreme degree to our sister nation or as eventually destructive to our own rights and liberties we shall find it a *mill-stone about the neck* of either country which, if not cast off in time, will sink us both in the sea. In discussing the several points of enquiry here proposed, the writer proceeds with becoming freedom, but at the same time shews the true spirit of moderation. He approves the gentle appointment

appointments for some branches of the royal family—the pensions granted as rewards for great national services—“Long live the brave Hawke,” says this generous writer, “to enjoy the fruits of his victories!” But he seems greatly surprized, and so must every sensible person, at the farce that has been acted in the name of George Charles—whose name it seems is English for Count Viri the late Sardinian minister, who so kindly mediated the late salutary peace. ONE THOUSAND ~~per annum~~ for thirty-one years is his Excellency’s reward—Query, whether his peace will last to see out half his salary? With this query which is of a very delicate nature at this time, we will close our account of the pamphlet, which merits the patronage of the friends of Ireland whether residing in that country or Great Britain.

*Considerations on the Policy, Commerce and Circumstances of the Kingdom.* 8vo. 1s. Almon.

**I**N an age of general dissipation, when little else is attended to from the press, but works of mere amusement, every performance which offers material information to the nation in general on points of real importance, must deserve the thanks of the judicious few, who see the necessity of checking the progress of that spirit of frivolity and indolence which we have imported from the continent since the late peace.

The Considerations on the trade, commerce and circumstances of the kingdom, are professedly written to refute the misrepresentations of those who from interested or malevolent views have given the public a wrong idea of the present state of this kingdom, and the author very justly observes, that matters which concern all men should, in books, be so explained as by all to be comprehended—That the mere elements of national policy may be little known by many readers of sense, who have not been in situations to acquire certain knowledge from practice, information, or study—That the scientific part of commerce may be still less generally understood, and yet in its nature is of the highest importance to all, in their national, and to many in their practical and official capacities. On this ground therefore he builds the plan of his work, his stile and manner of treating his subjects is simple, clear, and nervous; and it would be well for the people of this country, if their representatives would sit down to study such books as these, that they might be enabled to judge of the fitness of the measures proposed in parliament by the ministry, and supported by their friends which affect the commercial interests of their country. If the elements of commerce and finances were as well known



by our members of parliament as the art of canvassing elections we should not have cause to lament that the commerce of this country and its colonies has been often impeded by absurd regulations and onerous taxes which strike at the very root of all commercial principles, and are only the fault of arbitrary dispositions, or of absolute ignorance.

The first melancholy information we gain from the world before us; and which ought to alarm all honest men who are concerned in the administration of our public affairs, or guardians for the common weal, that the nation is evidently in a declining state owing to three causes which if they are not removed, must, in every kingdom, produce the most fatal effects. The diminution of population; the decrease of its commerce in exported manufactures; and the accumulated weight of its burthens by debt and taxation. Commerce, considered, as the only sure and lasting source of wealth to a population, consequently if he can prove that our internal trade and foreign commerce is daily on the decline, no more need be urged to shew that some where or other wilful mismanagement prevails through corruption, or the grossest errors in politics through ignorance. The latter we believe to be most generally the case, owing to a defect in the education of such young gentlemen as have a prospect, from their rank in life, of being called to the service of their country in the senate or the cabinet, for though this is a maritime, trading state, yet commerce and the principles of raising, conducting, and applying the revenues of kingdoms are little understood, and but superficially attended to by a few, who hold to make it the means of promotion and emolument.

The heads of commerce in this treatise we shall recommend to our readers, and assure them they will find sufficient information to make them set about a reformation before it is too late, to retrench their luxuries before the source of their voluptuous enjoyments are dried up. But we cannot fulfil our duty without giving the two short chapters, on the internal policy of the state, and the landed interest, because they strictly fall within the scope of our political review, and contain some new and striking remarks on the false policy of our giving so much weight to the landed interest.

### CHAP III.

#### *On the internal POLICY of the STATE.*

“ There is no mystery in true policy, there can be none in trade. Causes alike in both ever did, and ever will produce their natural effects; such being the all-wise and immutable laws of providence. A moderate degree of observation will

be sufficient to convince every man, that there can be no other requisites needful for the well governing of a state than good sense, real honesty and true information.

In times of peculiar difficulty and danger, our great Queen Elizabeth so regulated the administration of her government, by very few obvious, but sensible maxims, as to reign in the hearts of her people, acquire never-fading glory to herself, and lay all the foundations of opulence and power to which her country has since arrived; and which, by the same admirable means, may be yet abundantly increased. But a great reverse of fortune will become experienced, and that at no great distance of time, should we mistakenly desert them.

The balancing powers which are so happily interwoven in the frame of our excellent constitution, however wise in their natures, were no other than the fruits of plain reason and natural observation, being derived from ages that we call barbarous; and yet they contain all that could be hoped from the most extensive knowledge and experience, assisted by great learning and sound judgment. But we can continue no longer a free, prosperous, or happy people, (for they are blessings that must be enjoyed, or will be all lost together) than while the respective powers of the component parts are kept in their due bearings towards each other, for mutual support. They are like the sustaining legs of a tripod; either of which being made to give way, the machine so usefully erected, must fall to the ground. The people can no sooner lose their liberty, in this country, than the sovereign will find himself deprived of his importance and security; and the too great prevalence of the aristocratic power will only serve to endanger its existence, as has been the case heretofore. In most other countries indeed it first proved baneful to the democratic order; and then for want of that support, became an easy, and fell an unpitied prey to regal despotism. But our own people will henceforth have a ready resource against the violence of either.

In like manner, there are three balancing interests among the people of this kingdom, which are those of land, money, and labour; and, as in the other case, they are the natural supports of each other, while a due balance is maintained; but the too great prevalence of either would prove injurious to all.

As the body of the people are the strength and wealth of a state, so workmen and labourers give all value to lands; and they are likewise the support of all dealers. It is by the means of their skill and labour only that wealth can be brought into a country; and was there no money to be a medium

medium for traffic, there would little employment be furnished for dealers. Every order of people therefore are entitled to a due portion of regard, and all ought to shew, their conduct, they are sensible alike of their dependance each other. The protection of government is equally due all, and the restraints that are wholesome should be also on all alike.

#### CHAP. IV.

##### *On the LANDED INTEREST.*

“ Land is, in itself, of little or no value to the owner. The solitary lord of a million of acres would be but a naked defenceless creature, destitute of every convenience and blessing of life. A landed man's commodity, therefore, derives all its value from the commodities of others: such as the labour of the husbandman, the skill and toil of the artisan, the industry and property of the dealer (who purchases, for all other people, the products of land for consumption): the wealth and knowledge of the merchant, who exports them.

Experience has long shewn, that a people, by their industry, may become rich, powerful, and happy, without the possession of lands for agriculture; because men will procure a sure supply of such products from other countries. But land, without people, is of no value at all. Why, therefore, all power should be assumed by, and preference in consideration be given to the possessors of land in any country, is an enquiry worth making; but more especially in a trading nation like ours. Yet such has become the case, from making a landed qualification necessary for obtaining a seat among the representatives of the people; and, in most instances, from having landed electors, such as are under the influence of men of landed property.

Hence has arisen the distinction of a landed interest; which has become paramount in its operations, from engrossing influence in the state, and all weight in the scale of interest at least in comparison with theirs who give to land its value. And hence too has arisen the partial favour which we shew to that kind of property, by giving a more than natural value to the products of lands; to the injury of the state, the hurt of our national trade, and the prejudice of people.”

Our readers will judge for themselves of our author's abilities from this specimen; we have only to add that his character on the subject of the corn trade, is the most curious and interesting we ever met with; and ought to be critically examined.

examined by those senators, who lately to the surprize of all sensible people, wanted to open our ports this season, for the exportation of that valuable necessary of life.

*A King's-Bench Sermon, with a Dedication to Lord Mansfield, and a Preface by Mr. Stephen. 6d. Evans.*

WE have already taken proper notice of the case of imprisonment for debt, and the contest that has arisen upon it, under the management of Mr. Stephen, in our Register for October last, p. 243. The dedication to the sermon before us is a continuation of the dispute with Lord Mansfield, who in a severe satire not devoid of humour, is attacked for remanding Mr. Stephen to prison, after his application to be discharged, because he was confined contrary to both the common and statute law, and in direct opposition to Magna Charta. The preface by Mr. Stephen further enforces his arguments advanced in his pamphlet entitled "Considerations on imprisonment for debt," and gives a variety of instances of the bad policy of confining artificers and manufacturers. It is written with great accuracy, and shews the author has had a thorough knowledge of mankind either from information or experience. And the method of circulating fictitious bills or notes of hand, with the evil consequences attending it, is so properly described that it cannot fail, if generally read, to render that practice which is so detrimental to the commerce of this kingdom justly abhorred.

The sermon turns on the condition of forgiveness laid down for all men in the Lord's prayer, "Forgive us our debts as we forgive our debtors;" and is a very good discourse, but as that part of the subject has nothing to do with the grand question, which obliged us to take the subject—viz. Whether it is consistent with sound policy to confine debtors, in a commercial state? This we think is clearly determined in the negative by Mr. Stephen in his pamphlet and by the concurrent testimony of all able writers on the laws and constitutions of nations from the earliest accounts of civil institutions; we shall therefore conclude with a sincere wish that the honest and laudable endeavours of this gentleman and his friends may procure relief from parliament, and if we are rightly informed the affair will very soon be brought into the House of Lords.

*A Letter*

*A Letter to Sir Richard Aston, Knt. one of the Judges of Majesty's Court of King's-bench, and late Chief Justice of Common Pleas in Ireland. By Robert Morris, Esq; Secretary to the Supporters of the Bill of Rights, &c.*  
1s. 6d. G. Pearch.

THE transaction which gave rise to this Letter, is perhaps one of the most singular that ever happened in kingdom; no wonder therefore that it has been received by the public with all the eagerness of expectation, and passed through one edition almost as soon as published. I long been the complaint of administration, that a turbulent faction is continually fomenting divisions between government and the people,—the violence of party rage has been a standing topic of conversation with the friends of the minister: while they wished to have it believed, that on this side, no prejudices were taken up, no wrong opinions formed, no oppressive, partial measures pursued to the defamation of respectable characters in the opposition. The Letter addressed by Mr. Morris to Sir Richard Aston has cleared the face of affairs, by demonstrating that neither the sacredness of a tribunal—the uprightness and impartiality supposed to be inherent in the office of a judge, nor the regard due to the profession of the law, could prove sufficient barriers against the rage of political prejudice.—For the favourite judge at St. James's, next to the Chief Justice, is charged with discarding the virtues of candour, modesty and moderation which should ever be seated on the bench, and making them give way to their opposite vices, animosity, wrath, defamation; and we do not find that Sir Richard has made the least attempt to vindicate himself.

One remark however we think it necessary to submit to his better judgment respecting his silence. There is a wide difference between public and private transactions; and between anonymous reports, or vague accusations whose authors are not known; and the regular charge of man of character in the world, who supports it by the evidence of facts, and subscribes it with his name and place of abode. In the latter case every man who values his reputation however high his rank and station may be in life, ought to clear himself to the public at whose bar he is arraigned. This is therefore incumbent on Sir Richard Aston; and our readers may be enabled to form a judgment of the merits between two gentlemen so well known in the world shall give them the copy of the affidavit made by Mr. Morris and recite the words spoken by Sir Richard Aston, which Mr. Morris so highly resents in his letter.

A F F

## A F F I D A V I T.

(An examined COPY.)

*In the King's-Bench.*

The KING against JOHN ALMON.

ROBERT MORRIS of Lincoln's Inn in county of Middlesex Barrister at law maketh oath that he this deponent having been used to buy pamphlets and other printed books at the shop of the defendant John Almon did within a very few days after the publication of the London Museum for the month of January last go to the said shop and there ask the said Defendant for the said pamphlet of the London Museum being the same as that for which the said Defendant has been informed against in this court upon which the said Defendant told him this Deponent that he had not got the said pamphlet and that he did not sell the same and he the said Deponent was thereupon obliged to go away without the said pamphlet. Nor has he at any time since procured himself the same from the said Defendant although he this Deponent (*verily believing in his conscience that the said pamphlet did not contain any libellous matter whatsoever*) has very lately purchased the same elsewhere And this Deponent farther saith that to the best of his this Deponent's knowledge recollection and belief as far as the distance of time from the said transaction will permit him to be certain (this Deponent not then nor till after the late trial of the Defendant Almon having the least idea of giving testimony concerning any part of this matter in a court of justice) at the same time that he this Deponent was in the shop of the said Defendant as above mentioned some other person to this Deponent unknown came to the said shop and asked the said Defendant for the said pamphlet of the London Museum Whereupon the said Defendant gave to the said person the same answer that he had before given to this Deponent (that is to say) that he had it not or words to that effect and thereupon the said person went away without purchasing the same.

*Sworn in Court,  
June, 30, 1770.*

ROBERT MORRIS.

By the Court.

VOL. VIII,

I

According

According to Mr. Morris's account, Mr. Justice Aston in enumerating the affidavits, which alone, he said, had influenced the judgment of the court in the punishment they were going to inflict, he excepted the above affidavit, and added, "That as to the affidavit of THAT MAN, who had, *though but in a parenthesis*, put into his affidavit, that he did not think the letter signed Junius to be a libel, he should, for his part, pay very little regard to any affidavit he should make." The interpretation Mr. Morris puts on those words, seems to be a very fair one, "Mr. Morris has by this affidavit, shewn himself to be a man of so abandoned a conscience as not to deserve credit in a court of justice."

On this obvious sense of the words Mr. Morris grounds his complaint of the behaviour of the judge, and certainly it is a matter of great consequence to every individual who may be called upon by subpernas, to give evidence in our courts of justice, or may be induced from a love of justice, or friendly motives voluntarily to give testimony to any fact by affidavit. If because a man's connections in life happen to be with men *formed into a society in opposition to measures they hold pernicious to this nation*, if because a man avows his opinion of any political writing, and supports it publicly, he is therefore to be discredited, and his character taken away in so striking a manner, that his solemn evidence on oath is to pass for nothing, there is an end of justice and he must patiently submit to be reduced in many points to the despicable situation of an outlaw, or appeal to the public in vindication of his injured honour as Mr. Morris has done. His spirited manner of supporting his argument, will appear best in his own words.

"A judge, seated in a court of justice, so tenacious of their power to revenge contempts upon themselves, so ready to vindicate the characters of ministers of state, great men in office and even the members of the house of commons, such jealous protectors of every man's good name; so ready to punish all offenders against the reputation of their neighbours, ought surely to be the last to set an example of slander, or to incur that reproach, which has often been thrown upon the bar (but never I hope before upon the bench) of using the privilege of their station, to cast abuse upon the characters of private men, who might attend to give their evidence. But that a judge, so distinguished too for his humanity, gentle manners and politeness, as Mr. Justice Aston, should in the same breath, with which he is condemning a libeller, subject himself to a similar accusation; a judge, who in a charge to the grand juries at Dublin declared;

clared, that character was to every man of a generous mind dearer than his property; that he should make so public and severe an attack upon another's reputation, is perfectly astonishing, not so much from the disposition, as from the imprudence of the speaker. Lay, Sir, your hand upon your heart, and confess to me, whether you are serious; in suspecting upon so slight an occasion, a gentleman, (of whom you had never heard other ill, than that he differed with you in politics,) of the horrid crime of perjury. I am afraid, Sir, this dreadful sin, this mockery of a solemn appeal to God must lie very light upon your mind, that you can so easily bestow the censure upon me. But if I am not charged to have committed perjury, why do say, you shall pay no attention to any affidavit that I shall make? A charge, which from the place in which it was made will by some be thought an act of cowardice; but they will at the same time reflect, that the coward and the blusterer usually go together.

Strange indeed and violent are the effects, which political disagreements cause on men's tempers, dispositions and judgments! I know by experience that almost as little candor is to be expected, even from the candid, towards those, who differ from them in their political, as in their religious creed. But though I had no reason to expect, that if you did me the honor of mentioning my name, you would treat me with all the civility and complaisance, which you showed to Justice Gillam, when he appeared at the bar of the Old Bailey, to answer for a wanton massacre of his fellow citizens in St. George's fields, yet I had as little reason to suppose, that a judge would in open court insinuate against me the guilt of perjury for daring to differ in opinion with him, upon what he allows to be a point of law, and that even before I was apprised of his judgment upon the subject. I shall not take advantage of so pitiful an evasion, as to contend that my affidavit is consistent with the possibility of never having read the contents of the London Museum. I had read it, and paid particular attention to the letter of Junius, which has been prosecuted. It is upon that ground alone I wish to support my affidavit. I know not, whether you think there is much difference between perjury in a parenthesis and out of one; but whatever hard names you may please to give my conduct, my offence is at most but an error in judgment. My opinion differed from yours, but such was my real opinion. I declared it upon oath; and the world will give me credit, when I say that an oath is as sacred an obligation upon my mind, as upon your own.



A judge should not blend the character of accuser with his own; or should find at least as good a foundation for his accusations, as occasion for making them. I am, Sir, "THAT MAN," whom, in that contemptuous manner you have described to have ventured to swear, that the paper signed Junius, which lay before the court, is not a libel. Read again the affidavit, let any person read it. I have said, that, at the time I purchased the London Museum, *I purchased it verily believing it to contain no libellous matter whatsoever.* Is this swearing, that the paper is not a libel? Are these words, which deserve from a judge the imputation of perjury? I was not so impertinent, as to make that decisive declaration upon oath; which you have fixed upon me; a declaration however, which if necessary, would I believe readily be made by thousands in this kingdom. Had I been upon the jury to try the fact, I should then have made that declaration in the same manner as those two noble juries did, whom you have thought fit to involve, without naming, in the same accusation with myself. Two respectable juries of the city of London have directly declared the same thing; and the third declared upon their oaths, that Mr. Woodfall is *guilty of printing and publishing only*, which was acquitting him of the charge of printing and publishing a scandalous and seditious libel; a verdict incapable of any interpretation consistent with common sense, unless taken in the same light with the two other verdicts, and which therefore should be taken in that light only. I am yet aware of a fourth (and I doubt not it will be urged upon this occasion) where this matter received a different determination, the publisher being found generally guilty of the information. But then we must recollect the influence, which the judge may well be supposed to have had; and that the opinion of that jury can little avail in this matter from the deference which they paid to their director; who, as he has since informed us, told them, that they had nothing to attend to, but the mere fact of publication. I will not here mention, what suspicions fell upon that jury, who could suffer their understandings in an evidence of fact to be led by Lord Mansfield; nor will I more than hint, that one of that jury, being a member of the house of commons, the charge upon which house took a principal share of the information, ought to have challenged himself, as interested in the litigation, notwithstanding the reputation he then had of joining against the ministry. We heard in this case a doctrine built upon a foundation; that the presumption of guilt is as strong as any presumption of innocence. And we saw a jury implicitly submitting their consciences

consciences to receive the dictates of the judge for their belief; that however slight the evidence might be, which was offered, they were driven to a necessity of finding a defendant guilty, if no evidence was produced in his behalf. The admission of a fact proved upon another, doubtful even whether he was a servant, was not looked upon as some inducement to the verdict, but was to become conclusive proof, unless counteracted by other positive evidence; whatever opinion the jury might entertain of the defendant's not being a guilty publisher. They adopted these maxims, and found one publisher of Junius's letter to be guilty of a libel. Yet was guilt found under such circumstances, that punishment, its natural concomitant, became almost unjust. But I firmly believe, that this consideration would not have so much availed in the judgment of the King's Bench, but that it would have been too alarming to have rejected without cause an affidavit produced in the defendant's behalf, and yet have inflicted any very heavy fine upon him for his delinquency. We cannot however suppose from the decisive verdicts of acquittal, which were given by the London juries, that they were possessed with a like degree of complaisance, as the gentlemen of Middlesex; though Lord Mansfield would in the same manner have confined them to the simple evidence of publication. A restraint upon their free powers of enquiry, which they justly disdained; and to which they replied by a verdict, which, as the cases were circumstanced, can acquit them from perjury upon no other supposition, than their persuasion of the paper being innocent. It is in vain therefore to suggest a probability of their determinations being founded upon other grounds; for the mere acts of printing and publishing were notoriously avowed, and the application of the innuendoes, of which Lord Mansfield, to cover his other designs, has lately made such a parade, was in one case at least not disputed.

In opposition to these juries, you, Mr. Justice Aston, declare the letter of Junius universally abhorred by all well-wishers to the government. If by that phrase you mean a futile and wretched ministry, in which your associate, Lord Mansfield, is a principal figure, and where, as you share in the emoluments, you may possibly bear yourself a part, I will readily allow it. But if you mean the free and excellent constitution of this country, I declare, that you, as a judge, take a licence in speaking, which I, as a private barrister, would by no means have assumed; because the fact is notoriously otherwise. You then boldly pronounce a conviction of perjury or sedition upon every one who does not believe the letter of Junius to be a libel. And yet one may venture to appeal  
to

to the whole nation, whether that letter was not almost universally applauded, as it was read; and whether it is not now considered, as a model of political truth, as well as the standard of elegant composition. Indeed the fact speaks itself. The venders of it would never have suffered a prosecution, if the public demand for the letter had not shown, that mankind were pleased, not shocked; that they admired, not condemned, the sense, the spirit, the justice and veracity of the author; and I believe no man ever heard of shuddering and being shocked at the letter, except in the Court of King's Bench, or the Supreme Court at St. James's.

I am then that hardy and singular mortal, who is contented with the sanction of twenty-four tried and sworn men for his opinion. We must stand or fall together in the sentiments of the public upon this occasion. To the honest citizens of London will I leave it, Sir, to resent the injury you have done them; and to the public to retort upon yourself the imputations, which you have thrown with so liberal a hand upon others.

The circumstances which I had to lay before the Court, called upon me to express my conception of the pamphlet then in judgment. Little as I may be supposed to know of law, I know so much of that law of libels, which obtained in the odious Court of Star-Chamber, and the disposition of some modern judges to enforce that law, that I was doubtful, whether it might not even be held an offence, to purchase a paper, which should afterwards be discovered, or, at least, if then believed, to be a libel. I am aware this can be at best but Star-chamber law. But I have observed a Chief Justice maintain a particular partiality for the precedents of that arbitrary Court; claim every doctrine there held to be law for his own; and when the Court of King's Bench shall have adopted a sufficient number of them, with the same latitude, as it lately has done that doctrine, which sprung from the ruins of the Star-chamber, and is truly calculated to perpetuate its powers in the case of libels, that juries are mere judges of the innocent acts of printing and publishing, and the verbal supply of a parcel of innuendoes, there will arise the same necessity of abolishing that court by act of parliament, and the same cry amongst the people to punish the arbitrary judges, who shall preside there.

My knowledge of a fact, that the pamphlet was universally sold in other shops, led me to mention a circumstance much in Mr. Almon's favour, that, though I had been refused it at his shop, I had been able to purchase it elsewhere. When I mentioned this, I had a right to say something in apology for myself. It would not be a very graceful act in any other person,

for, than a messenger of the Treasury, to go about purchasing libels at every shop. I therefore said, what I had a right to say in my own vindication, and without officiousness, that I did not believe the pamphlet to contain a libel. I am for this treated, by Mr. J. Aston, as a man of so prostituted a character, as not to be credited in a Court of Justice. This is the tendency, which the Court of King's Bench shews to defendants, when it admits every allegation to extenuate their guilt; that, those who venture to make such affidavits agreeable to their conscience are to endure the invectives of a judge in that Court without redress. This is the mighty advantage, which Lord Mansfield constantly holds out to those defendants, to suffer themselves to be convicted before this merciful Court, telling them, in his canting tone, *that it will do them no harm*, if the paper is afterwards found out not to be a libel; that when their friends shall appear in their behalf, these friends shall be treated as culprits, and made liable to imputations of the worst impression. An error in judgment, a mistake in law, or, if you please, an astonishing doubt of a ministerial faith, shall be treated as a heresy unpardonable; the miscreant deprived of all claim to credit in every respect, and be rendered unworthy of any attention in a court of justice.

The stigma however, with which, Sir, you branded my affidavit might be less exceptionable, had you confined its effects to me alone. When you said, that you would pay no attention to any affidavit of mine, you did injustice to the defendant. He had a right to my testimony, which I gave to him unasked. You deprived him of it; and I herein see additional wisdom in the law, which has not left in general to judges the weight and import of evidence; and which, I am equally satisfied upon my part, notwithstanding Lord Mansfield's doctrine to the contrary, has not left to them an exclusive decision upon the actions of those, who are accused of publishing a libel. I know Mr. J. Aston has a precedent for his behaviour in a brother judge and commissioner, who lately showed his readiness to set aside a witness at Guildford in a trial for murder, because he began with relating some expressions that he had used in an alehouse, containing his dislike to the Scotch nation. But in that case an objection was made to an evidence for the prosecutor, which is a more favourable circumstance for the judge, than the present case admits of; for there, the prosecutor of a capital indictment could only lose the benefit of a material witness, because the judge took a pique to his political principles; in this, where by the artifices of Lord Mansfield and the adopted resolutions of the court of King's Bench, the trial for a libel is almost reduced to a trial by affidavit (that mode of enquiry, which turns the insulted

insulted witness from the confronted examinations of the bar to the protected censures of the bench, which submits every thing to the court, and which is therefore so acceptable and so favoured) in this the defendant, though always most to be tendered, is at one stroke bereft of the testimony of any witness, however material, who may differ either in principles of law or politics with any one of his judges. The importance of my evidence was proved by the allegation of the solicitor-general; who urged, that the defendant, when he first stopped the sale, might have hid his books in a garret, till he had an opportunity of selling them to the friends he could trust. This supposition is directly precluded by the contents of my affidavit; for it could hardly be doubted from my character, and that particular station, which the title-page of this letter exhibits, that it was possible for Mr. Almon to mistake me for an informer.

I think I have proved that I did not go out of my road to introduce that opinion, which has given you so much offence."

The modern doctrine of the court of King's Bench, is exposed in glaring colours by Mr. Morris in this letter, and the particular conduct of Lord Mansfield severely censured. And we have likewise an anecdote of Mr. Justice Aston, which disgraces him in a manner we fancy he would have wished Mr. Morris to have spared him; but the *lex talionis* seems to be the favourite system of the letter writer, who has certainly got the advantage of his lordship, and has fully retaliated by relating this incident, the injury done him by his antagonist. The memoir is couched in the following address.

"Stand forth, Mr. Justice Aston, and tell me, what other douceurs you have received for your last year's services, besides the pre-emption of those four hundred tickets, with which you went yourself into the alley the Saturday before drawing; where you staid in the vile receptacle of stock-gamblers at Jonathan's, after midnight, to improve your job to the utmost advantage. Believe me, Sir, there is a combination formed among the brokers in return for the paltry saving of those fees, which they esteemed their due, as to brother-commissioners, when you next make your appearance there, either as a BULL or a BEAR, to hustle you out of the place; a disgrace, that hardly your worst enemy would wish to befall you, because it will make again notorious to the world the situation where you are found; which even your modesty might teach you for the future to avoid."

We remember to have seen a knight of the garter formerly in the purlieu of Change Alley, but the noble earl never went into Jonathan's, as to a judge we may venture to affirm no such animal was ever before known to herd with the Bulls and Bears.

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T H E

# POLITICAL REGISTER

For F E B R U A R Y 1771.

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N U M B E R XLVIII.

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To the PRINTER of the POLITICAL REGISTER,  
S I R,

**I** SEND you two addresses which I lately received from the Island of St. Christopher: One to Mr. Woodley, upon his leaving that island; the other to Mr. Lofack, upon his accession to the command. It will appear a little extraordinary that they should both bear the same title, yet breathe such different sentiments. They are each entitled, *The Address of the Freeholders, &c. of the Island of St. Christopher*; yet, if we except a few *Jacks* on both sides, are signed by different persons. Among the subscribers to both are some men of property and consequence; but as the majority to both consists of men not much known even in that community, it will be sufficient to add the number of subscribers to each, unless you think proper to give their names. It may be necessary to inform the reader, that the subscribers to the *Address of Approbation, Lamentations and Sorrow*, are the friends of the majority in the late Assembly, and the partisans of General Woodley. And those who have subscribed that of *Congratulation and Expectation*, are the friends of the late imprisoned members. I have made some remarks on both, which I hope will enable your readers to judge im-



partially between the two parties; and shall be obliged to you to communicate them to the public.

W.

*Basseterre, St. Christopher.*

On Tuesday the 3d July, 1770, in the forenoon, the Hon. John Esfridge, Benjamin Pyatt Markham, and Francis Phillips, Esqrs. with George Taylor, William Wells, George Irvine, Esqrs. and several other gentlemen, waited upon his Excellency the Captain General, and presented the following Address to him.

To his Excellency WILLIAM WOODLEY, Esq; Captain General, and Governor in Chief, in and over all his Majesty's Leeward Charibbee Islands in America, Chancellor, Vice Admiral, and Ordinary of the same, &c. &c. &c.

*The ADDRESS of the Freeholders and other Inhabitants of his Majesty's Island of St. Christopher.*

May it please your Excellency,

WE, his Majesty's most dutiful and loyal subjects, the underwritten freeholders, and other inhabitants of this his island of St. Christopher, warmed with the highest sense of gratitude for the many (a) benefits this island has received from

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(a) To enable the reader to judge of the benefits the island of St. Christopher has received from this gentleman's administration, I shall beg leave to enumerate all the acts passed by the Council and Assembly of that colony to which he assented. Mr. Woodley arrived in St. Christopher's some time in the month of May 1768, and embarked from thence for England in July 1770; and, during that period, gave his assent to seven acts, viz. one for settling 800l. per annum, to be paid him half yearly, so long as he should continue in the command of the Leeward Islands. Two for granting certain aids to his Majesty, by taxing the proprietors of all slaves, and the owners of all houses in the several towns within that island. One for laying a certain annual duty or tax on the retailers of all spirituous liquors. One for rendering useful the rivers and public springs in the island. One for laying a duty of one pound of gun-powder per ton on all vessels above forty tons trading to and from the island; the one half to be paid in kind, the other half to be commuted in cash at the rate of 3s. per pound. And one for establishing

from your wise, steady, and prudent administration, beg leave to express to your Excellency, the sense of sorrow with which  
we

blissing a militia in the island. Of these acts the four first are such as any General would, of course, have assented to. The first regarded only himself; the three others were absolutely necessary for the civil government of the island. So that we cannot consider them of such a nature as to merit so warm a sense of gratitude as the addressers have expressed.

The act for rendering useful the rivers, &c. though by many people regarded as of great use and benefit to the island, by some means or other did not meet with the royal assent. But as most of the subscribers to this Address opposed the passing of it (looking upon it in a different light) it would be absurd to suppose they considered *this* as a benefit to the island. The act for laying a duty of one pound of gun-powder per ton on all vessels, &c. is not only exceedingly oppressive, but, if I remember, is contrary to the King's instructions. For, if I recollect, the Governor of the Leeward Islands is forbid to give his assent to any act that shall tend to lay or impose a tax on the trade or commerce of this kingdom.

Now as the American vessels are in general small, this tax falls principally on those trading from Great Britain, which run from 150 to 350 tons; and supposing them, at a medium, to be 250 tons, each vessel trading from hence will furnish 125 lb. of gunpowder, besides paying 18l. 15s. every voyage she makes. An imposition that will certainly compel the owners of vessels trading to that island to raise the freight of all kinds of goods imported into it; which, by encreasing the cost to the merchant, must ultimately fall on the consumer. Besides, the quantity of powder that will, by this tax, be imported, being more than is necessary for the consumption of the island, the surplus will lie and spoil in the magazines, while the imposition will, in fact, be levied on the inhabitants, supposing the freight to be encreased, which I think not at all unlikely. We now come to the act for establishing a militia in that island. Mr. Woodley's conduct, with respect to this act, is not to be pardoned, much less commended. The law, by virtue of which the militia had been established, having expired, his Excellency, on the 24th day of Oct. 1769, in his speech to the Council and Assembly, recommended this act in the following words: "The defenceless state of this country rendered still more so by the want of a militia law, must be very alarming to those gentlemen whose property is vested in it; and, I think, ought to

we are deeply impressed, at the approaching period for your separation from us.

As individuals, to whom you have been endeared by all those social virtues you possess in so eminent a degree, and which add a lustre to your character; we feel by anticipation, and must sincerely regret your absence from us: But, when we consider your Excellency's public virtues, (b) your  
love

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" induce you to make a bill for establishing a militia the first  
" object of your deliberation, more particularly as the season  
" of the year advances when the militia ought to be upon  
" duty." The necessity of such a law appeared so evident, that a bill was immediately brought into the Assembly; and, by the 22d of November, it had passed the Council; and the next day, if I mistake not, received his assent. Yet, though empowered by the act, he neglected to appoint officers of the militia until the beginning of May following, notwithstanding he saw the necessity of having them on duty during the Christmas holidays. For by an old custom, all the slaves in the island are, at that time, exempt from labour for three days, which they generally devote to drunkenness and riot. To prevent, as much as possible, any mischief arising from this indulgence, the militia are continued on duty; and, during that time, nightly patrol the estates and chief towns within the islands. So that Mr. Woodley can claim very little merit from this act, even supposing it to be of the utmost consequence to the island; for, by so long neglecting to appoint officers, he, for a time at least, destroyed the very end and design of it.

(b) As a private gentleman I have no business with him; I shall therefore leave him in the quiet possession of those social virtues which have so endeared him to these addressers as individuals. But I shall endeavour, and I hope to the satisfaction of the reader, to strip him of most of the public virtues which these gentlemen have so abundantly bestowed upon him. His love of justice, and his attachment to the laws and principles of their constitution, appear in his refusing, or at least delaying to grant a writ of Habeas Corpora, when applied for in behalf of seven gentlemen confined in gaol from Saturday evening at seven o'clock till Monday morning at ten o'clock. And by his interfering in the election of the Assembly, in his application to Mr. Estridge, a Member of the Council, for his vote and interest, in behalf of Mr. Irvine, to be a Member of the Assembly; which  
plainly

love of justice, your attachment to the laws and principles of our happy constitution, your cares, which comprehend the interest of all entrusted to your government, your (c) unwearied diligence in the discharge of the duties of your high office, and your vigilance to guard against every threatening danger; when we bend our thoughts to that inviolate (d) regard you have ever shewn to the liberties and privileges of the people, the prosperity of this country, and (e) the cheerfulness,

plainly proved he thought the Council had a right to vote for representatives; and afterwards suffering the Assembly, unnoticed, to deprive them of that right.

(c) His unwearied diligence, and great vigilance to guard against every threatening danger; may be discovered from the great pains he took to regulate and establish the militia, by suffering *only* six months to elapse before he appointed an officer; and when he did appoint them, by granting commissions to men who, in general, have neither abilities, property or consequence enough to recommend them to the inhabitants.

(d) His regard for the liberties and privileges of the people, will appear from a message he sent to the imprisoned members when in gaol, acquainting them, that if a crowd, which he understood had gathered about the prison, did not disperse, he should send for a military force to compel them, without taking the least notice of the civil power; and, as a greater insult to that authority, made the Chief Judge of the island the bearer of his message.

(e) His cheerfulness to promote the prosperity of the island, shews itself in his behaviour with respect to an act for establishing a Court of Chancery in that island. In the year 1767 an act passed the legislature for that purpose, but did not meet with the royal assent; not from any objection to the act itself, but (as the Lords of Trade informed Mr. Woodley) because all Courts of Justice flow from the Crown; and, if such a Court was necessary in that island, the legislature should have applied for it by way of petition to the King. He, however, acquainted the Assembly, that he had it in command from his Majesty to give his assent to an act of a similar nature. The Assembly immediately brought in and passed the same bill, which went through the Council, but was objected to by Mr. Woodley, for the following reasons: "Because all writs, &c. issuing out of the Court of Chancery, are now signed by the Chancellor of the Leeward Islands; and this act directs, that they shall be signed by the Commander in Chief, for the time being, residing on  
" the

ness, with which you have promoted every measure that could  
operate

“ the island : Because certain days are appointed by the act  
“ for holding Courts of Chancery, which are now held at  
“ the will and pleasure of the said Chancellor : Because (and  
“ which I believe to be the only real objection) it does not re-  
“ serve to the aforesaid Chancellor certain fees of office.” That  
the reader may see the force of these objections, it will be neces-  
sary to explain the design of this act. The Chancellor of the Lee-  
ward Islands, being Chancellor of St. Christopher’s, all suits  
in Chancery must be tried by him. And as he resides six or  
eight months in every year at Antigua, suitors in Chancery,  
in the Island of St. Christopher’s, are under a necessity of  
employing solicitors, and seeing Council, in both islands ;  
and upon every trifling motion to be made, every writ to be  
issued during the course of a suit, they are obliged to hire ves-  
sels to convey such notice or direction to their solicitors at  
Antigua, which is not only attended with a very consider-  
able expence, but with a very great risque, in having papers  
of consequence transported by so uncertain a conveyance. To  
remedy these evils, this act appointed a Court of Chancery to  
be held in St. Christopher’s, to consist of the Commander in  
Chief, for the time being, residing on the island, and four  
Members of his Majesty’s Council. Now, if the writs, &c.,  
issuing out of the Court, were to be signed by the Chancellor  
of the Leeward islands, the very end and design of the act  
would, in a great measure, be destroyed ; for the suitors  
would still be obliged to transport their papers from one island  
to another, and be at the same expence in employing solicitors  
at Antigua, and in hiring vessels to and from that island.  
Therefore this objection is, in fact, an objection against the  
act, which he declared he was *commanded* to pass. As to the  
objection against having fixed times for holding Courts of  
Chancery, it is absurd ; for surely it must be more for the  
interest of the suitors, as well as the ease and satisfaction of  
the Solicitors of the Court of Chancery, to have certain days  
fixed for holding such Courts, than to have them appointed  
at the will and pleasure of a man residing, at least half the  
year, in another island. The last objection is, indeed, a  
very good one ; and had it been the only one, the bill would  
have been amended, and his fees reserved to him ; for it is  
immaterial to the suitors, whether he, or the Commander in  
Chief, residing on the island, received them. Yet methinks  
when we reflect upon the many private, as well as public  
virtues, which are here bestowed upon him by these address-  
ers,

operate to that end ; when we reflect on your *(f)* boundless benevolence, *(g)* your favour to real merit, and the lenity and moderation of your government ; [most evident proofs of which you have afforded us, by your continued forbearance, after the misrepresentations and insults of a few *(h)* turbulent, factious

fers, it is not unreasonable to suppose he *might* have given up these fees, which he was not likely to possess *many* years (and which I am told do not amount to more than 100l. per annum) to have conferred so lasting a benefit on his country as this act would certainly have been ; particularly as he possesses one thirtieth part of the whole island. But as the three objections, taken together, destroyed the very end and design of the act, the bill was never resumed, and the island still remains without such a Court, though his Majesty was graciously pleased to signify his approbation, that there should be one established.

*(f)* Not satisfied with having bestowed upon him all the human virtues and good qualities they could think of, and out of which, moderately speaking, three or four very good governors might be made, they give him what should be only affixed to our idea of the Divine Being, *boundless benevolence*.

*(g)* As to his *favour to real merit*, far be it from me to say, that there are not some men of merit on whom he may have conferred them ; but I shall beg leave to observe, that he recommended and appointed John Stanley to be Keeper of the Public Records of the Island, and Register of all Deeds, &c. a place of greater trust and profit than any other in his gift in that island. And that it was through that man's eyes he was made to distinguish real merit. Should the reader be desirous of acquainting himself with the particulars of this Stanley's character, I refer him to Mr. Woodley, who, by knowing all his infamous practices, is able to give a true account of him, and who, I am convinced, is too much of a gentleman to give a false one.

*(h)* By the few turbulent, factious spirits, I suppose, are meant, the seven imprisoned members. If so, we need only examine their conduct to prove how false, as well as scandalous; the charges here alledged against them are. Seven Members of the Assembly having opposed a resolution for depriving three Members of their seats, and for bringing into the House, in their room, three others without petition ; and finding their opposition in vain, imprudently quitted the House in disgust. For this offence they were immediately committed to the custody of the Serjeant at Arms, without being

factions spirits, who have violently dared to set all law and authority at defiance ; ) when we review these constituents of your Excellency's public and private character, it is no longer from particular and personal motives alone, that we are affected ; but, as subjects, forming a part of your Excellency's government, we must, and do, lament being deprived for any time of such a governor.

being heard, and twelve days afterwards imprisoned in the common gaol, because the reasons they then gave did not appear satisfactory, and they would not make a servile, unmanly submission. Instead of encouraging any act of violence, in doing which they might have been released, they patiently submitted to be imprisoned, like felons, in a loathsome goal until that authority by which they were confined thought proper to release them, upon the payment of certain fees amounting to 380*l*. Having obtained their liberty, by the payment of that sum, one of them died of a putrid fever in few days after their enlargement, and the survivors thinking they had been illegally imprisoned, appealed to the laws of their country for redress, and brought actions severally against the officers concerned in executing the warrants, by virtue of which they had been detained. When these actions came to be tried, the Chief Judge produced a letter from John Fahy (which has already appeared in the Register for December) ordering the Court to discontinue the actions, with costs. The order being complied with, and the injured members not only denied the protection of the laws, but being, by such order, precluded the benefit of appeal to the most gracious Sovereign, have been obliged, by petition, lay their case at the foot of the throne, humbly hoping that they shall receive that justice from his Majesty's great wisdom and goodness, which his unworthy representatives in this island have thought proper to deny them. This conduct, called, by the offenders, setting all law and authority at defiance, and a confederacy entered into with a malicious and infamous intention to defray and misrepresent every operation of government. These are the practices which they hold in such abhorrence, as to lament that the authors have not received a punishment adequate to so detestable a crime. That is, they are concerned that they were not hanged ; for, having suffered fine and imprisonment, (as transportation is unknown here) it was impossible they could inflict a greater punishment unless they put them to an ignominious death.

Have

Having touched on the conduct of those few of the inhabitants of this island, who have engaged in a confederacy, wantonly to oppose, and, with a malicious and infamous intention, to decry and misrepresent every operation of government; we beg leave to assure your Excellency, that we hold such practices in the utmost abhorrence and detestation; and we are much concerned that some method has not been fallen upon, to inflict a punishment on them adequate to a crime so detestable to every honest and good citizen; but especially on those persons who have been so active in spreading the flames of discord through this island, by their inflammatory writings.

It is, Sir, our prayer, our most fervent prayer, to God, to conduct you safely through the perils of your voyage, to the enjoyment of those felicities you have in prospect, from being once more united to your family, and from the approbation of a wise and gracious Prince, on a just and impartial administration; and when you have gratified those feelings, which rise on an affectionate husband and tender parent, from an absence of years, and received the rewards, that our Royal Master never fails to give to a faithful and just servant; may our gracious Sovereign, in conformity to that attention which he has ever shewn to the happiness of his subjects, and the prosperity of this colony, hasten your return to us, in your present capacity!

May God preserve your Excellency!

*Basseterre, July 25, 1770.*

ON Monday last his Honour the Chief Justice, the Hon. Samuel Crooke, Esq; John Pogson, Esq; William Wharton, Esq; John Julius, Esq; with several other gentlemen, together with the Rev. Mr. Thomas, the Rev. Mr. Ramsay, and the Rev. Mr. Hutchinson, waited upon his Honour the Lieutenant-General, to whom they presented the following Address, which was read to his Honour by the Rev. Mr. Hutchinson.

*To the Hon. Richard Hawkeshaw Losack, Esq; Lieutenant General and Commander in Chief in and over all his Majesty's Leeward Charibbee Islands in America, Chancellor, Vice Admiral, and Ordinary of the same for the time being, &c. &c.*

WE his Majesty's most dutiful and loyal subjects, the gentlemen, clergy, freeholders, merchants, and principal inhabitants, of this his Majesty's island of St. Christopher, embrace the earliest opportunity to congratulate your Honor,



upon your accession to the supreme command of this island. We beg leave to assure your Honour, that it is with deep concern and unfeigned sorrow we view the present distracted state of this once happy island, which, from being the eminently distinguished seat of peace, universal harmony, a good neighbourhood, is now plunged into discord and confusion. Permit us, Sir, to assure you, that although, freemen and British subjects, we are resolved to oppose every illegal attempt upon the just rights of ourselves and this society, we are determined, to the utmost of our abilities, assist, maintain and support government, and all lawful authority, and, by our example, to encourage and recommend a due reverence and obedience to the laws of the land.

We sensibly feel for the difficulties which your Honour must necessarily have to encounter with in the present situation of affairs, and are well convinced of the delicate situation that your Honour will be obliged to observe in so acting, so to accomplish the great and benevolent design which, upon a late occasion, you was pleased to declare you had at heart—the reconciling of the divided individuals of this once united people. We apprehend the present unhappy differences have arisen from the names of the members of his Majesty's Council having been erased from the several polls at the late elections for representatives. We have, with extreme concern observed the progress of these differences, and the unhappy consequences that have ensued, no less than confining several members of the Assembly themselves in the common prison and rendering the representation in the lower House, extremely imperfect, even at a time when matters, to us of the greatest moment and importance, were determined in it.\*

We presume not, Sir, to insinuate, that we are invested with the right of deciding upon this important matter, or determining in favour of either; but we are too nearly interested in the effects, not earnestly to wish that all divisions may be made to cease, and the ancient harmony and good will prevail among us. Permit us, therefore, to return to your Honour our most grateful thanks for having taken the earliest opportunity that presented, of publicly declaring that y

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\* They mean, I suppose, the unjustifiable manner in which the three members were deprived of their seats, and the others introduced into the House. And several bills which were brought into the Assembly, while the seven members were in confinement.

was actuated by the same inclination and desire; and it was with infinite satisfaction we heard you pledge to us your promise of exerting your best endeavours to reconcile the contending parties.

We cheerfully confide in your Honour's prudence and moderation, and doubt not but they will produce a speedy return of peace to this once happy island: And we beg leave to assure your Honour, that we look forward with the anxious but pleasing expectation of soon seeing no contention among us, but the glorious emulation of re-establishing peace, improving the police, and providing for the credit and honour of the island, which, at the same time that it promotes our happiness, must render your administration easy, happy, and satisfactory.

Having thus gone through these two addresses, and made such remarks as I thought would enable the reader to pass an impartial judgment on Mr. Woodley's administration, I shall conclude with this one observation.

No governor, I believe, ever left his government with more flattering, fulsome addresses, than this gentleman; and none ever was, in my opinion, less qualified to govern a colony.

*To the EDITOR of the POLITICAL REGISTER.*

S I R,

**T**O avoid, studiously, the brutal indolence of a mere animal life, by a diligent application to some virtuous purpose, is undeniably a duty incumbent on every rational creature. It is on this principle that I have sometimes taken up the pen, and used my feeble efforts to serve my country in this way, by attempting to remove those clouds of prejudice and prepossessions which have so long offusquated mens minds, and biased their judgments, that they cannot observe one single ray of effulgent splendour in the sun of Majesty; but, on the contrary, pervert and misrepresent every gracious act of the crown and its servants to the obstruction of government, and the great detriment of the state as a body politic. But as I have always considered impartiality, as an indispensable obligation on every political writer, who is not the tool of a party, I have as often endeavoured to convince public men of the highest denomination, that they cannot govern well, if they are not possessed of the affections of the people. In this manner I have occasionally amused myself, alleviated

the plume of an infant-bird; and, if I am not mistaken, the conductors of some news-papers, to whom I consign my essays, my well-meant labours have given some satisfaction to the public.

Third, as length, with the perishable channels of the publications of the day, which are chiefly sought after, and read with avidity, for the intelligence they contain of common occurrences, affairs of business, and the chapter of accidents and fatalities incident to human nature; I resolved to take some measure to procure a more fixed and permanent station for my light troops; and I had often entertained an idea of incorporating them with your regiment, but was forced over-rule the motion, on observing, that you fought only one side. Thanks, to your good genius, however, I now perceive you have found out the absurdity of this practice, and are determined to act offensively and defensively against all the enemies of your country, whether in place or out. With much pleasure I remarked, that you opened the campaign for the present year on this enlarged plan; and while you steadily adhere to it, you will never want powerful aid and fresh recruits, *all volunteers* in the cause of honour, integrity, freedom and public virtue. This conduct has determined me to be your correspondent, occasionally, and assist in filling the future volumes of your *Register*, which will may be as durable as the basis of our happy constitution, or the records of time.

Whether my writings will be deemed an acquisition to your work, is a point I must intreat you to leave to the censure of your readers, as I would hope you are too much a gentleman to puff me off by impertinent hand-bills, which was my fate when I addressed my sentiments to an evening paper; and have too much honour, on the other hand, to hide me in my cradle. In a word, Sir, all I ask of you is, let me on my feet, to try if I can go without any other back-spring, but public approbation. If I fall, the injury will be great: my own presumption alone will be called in question, and some worthier pen may supply my place—perhaps a member of the upper or lower House; for I am told many of them are turned writers; and, in imitation of former times, generously contribute to the information and entertainment of the age, in our periodical pamphlets. If I am not mistaken, Mr. Editor, I have occasionally smoked two or three distinguished Commoners, and more than one Coronet under some of your well feigned signatures. If it be so, let

it to yourself, take care of *that*, & more all the rest that  
 said, above all, be chaste and decent, & so on.

The subject I desire you to present to your readers from  
 me, for this month, is treated on this *subject*, for I shall  
 it's role; that example should always follow precept; and,  
 therefore, though I mean to give a lecture to Kings, yet it  
 shall be conveyed in such terms as ought not to offend our  
 gracious Sovereign's *most faithful friends*. Even Cato's *treas-*  
*ure* you shall not find matter here to turn as *ridiculous*;—  
 which shall be cut out for my good Lord Chief Justice; nor  
 shall the modest Attorney General have cause to lament the  
 odious nature of his office, which obliges the poor man,  
 against his will, Heaven knows! to weary those harmless  
 sheep, printers, publishers, and authors, who have no teeth  
 to *bite*, much less to *bite* their antagonists, but what they get  
 from him and his brother-in-law, the Solicitor, — ex officio.

From the earliest date of regal power, a supreme degree of  
 respect, amounting nearly to a religious veneration, has ever  
 consecrated the title of Kings. This tribute to Majesty has  
 often been paid to very bad men while living, but never, with-  
 less by base, partial historians, to any but good princes after  
 their decease. Nero, while living, had his adulators; and his  
 imperial character was deemed sacred: But how stands his  
 name on the records of antiquity! Is he not handed down to  
 us as an object of horror and detestation, while we feel even  
 to this hour, after so many centuries have elapsed, an inex-  
 pressible pleasure, such as always accompanies a delicate idea  
 of virtue, when we meet with the names of Sesostris, Cos-  
 rus, Titus, or Trajan! Instances might be brought nearer  
 our own times, to shew that the veneration for a good Prince  
 never dies, while that which duty, interest, or fear dictates  
 to a worthless monarch, ceases with his breath, and scarce  
 accompanies lifeless Majesty to the grave. But sufficient for  
 my design is the evidence already produced in support of this  
 great truth. It has likewise been observed, that the most  
 abandoned of the race of tyrants have not been insensible to  
 that fame, which the fathers of their people have acquired after  
 death, by their immortal deeds while living. To what other  
 purpose was it, that they kept in pay, and advanced to unde-  
 served dignities, a tribe of mercenary poets and historians.  
 Since then, this laudable ambition to consecrate their names to  
 latest posterity, has occupied the thoughts of the worst, as  
 well as the best of Princes.—Can it admit of a moment's  
 doubt, whether those men are not the greatest traitors to a  
 King, who endeavour to rob him, in his life time, of that  
 vene-

eneration which is due to his sacred person and character, and to which from him what ought to be dearer to him than his crown, his good name, which should descend, unfullied to his own posterity, as an illustrious pattern for imitation, and to the childrens children of his subjects, as a lasting memorial of the blessings enjoyed by their ancestors, under his auspicious government.

No such faithless subjects surrounded the throne, nor disgraced the press, in the days of our great Elizabeth;—her immortal reputation shall never die,—though some foul traducers have lately started up,—some unsrocked Jesuits,—who have taken great pains to lessen the glory of that great æt to which the maritime power, and extensive commercial connections of this kingdom, owe their origin. To depreciate the merits of a Protestant Princess, is no new stratagem in favour of Popery; but invidiously to set up this great Princess as mark of *envy* and *hatred*, instead of pointing her out as an object of the most laudable *emulation*, is a plan as weak as it is wicked. For the public character of Elizabeth cannot fail exciting the admiration and esteem of our present Sovereign. No foul libeller had the insolence to endeavour, in her time, to bring the person and character of the supreme magistrate into contempt; neither did her ministers, by weak or odious measures, serve the cause of incendiaries, and expose both the Sovereign and the state to the contempt and derision of foreign powers.

As no greater misfortune can happen to a Prince, and the people he governs, than that of having his character and authority generally *condemned*, and his subjects restrain from expressing their dislike of his administration only by their fears or convenience; I think it cannot but be considered acting the part of an honest man, to point out the several ways and means by which a King may render himself contemptible, or be made so, by those in whom he places chief confidence. A short chapter on this important subject may not be deemed impertinent or useless, even on a supposition that it was expressly written for the service of the King of Kings; for, *humanum est errare* is an old adage, and, at all, we know that Princes are but men. No further apology, therefore, seems necessary on the present occasion.

*Contempt* of a Prince, by which is to be understood, a mean and abject opinion entertained of the royal personage, and his administration, not only by his own subjects, but even by foreigners, is an effectual cause of the destruction of kingdoms; or if it does not proceed so far, it creates such frequent inconvenient changes in them, as tend to the decline of

and sciences, the neglect of public affairs, the stagnation of commerce, the introduction of factions, the encouragement of lawless oppressions from the powerful and favourite party, and the general impoverishment of the state; the internal tranquillity of which, being thus disturbed, scarcely returns to a fixed and settled state during the reign of such a monarch, unless it be long indeed; and a change is wrought by some extraordinary events in the disposition of the Prince, which recovers the veneration and respect due to his sacred character. For the means of public tranquillity, on which the prosperity of kingdoms depends, are delicate, because they are exposed to a variety of accidents, the minutest of which, in appearance, often occasions the most sudden and violent commotions, and they hinge on distant causes, which often unite only at such dangerous periods of time, that they cannot operate effectually; and, in a word, because every human institution, like every living creature, must sooner or later finish its course.

To preserve a serene and cheerful sky in the political atmosphere for any length of time, requires uncommon talents both from nature and education, in the supreme governor of kingdoms.

If nature has, in any respect, been deficient on her part, if the defect does not amount to absolute mental imbecility, it is taken for granted, that those who have the care of forming a young Prince for a throne, will diligently repair it, by the strength of useful erudition; and the first maxim it is expected their preceptors should impress on their minds is, "That the love of the people is the real wealth of Princes, and the surest safeguard against public contempt." A King, who succeeds to a throne that has been filled by a predecessor, who possessed this real wealth, is in great danger of falling into contempt, if he permits persons to enjoy his confidence, and command his royal ear, who have given his education a different bias, and taught him, in his early youth, though he was to reign over a free people, to rely more upon the strength of his prerogative, and the corruption of the times, than on the hearty good will and steady loyalty of his people; or who have given him to understand, that he may be a greater Prince by a partial distribution of dignities, lucrative employments and pensions amongst an ambitious, profligate race of effeminate, needy nobles and gentry, than by rewarding merit, and cherishing public virtue. Should such base deceivers, however highly born or allied, surround the throne of a monarch in any great nation, depending more on its extensive commercial

mergal sovereignty, the source of its power and wealth, tho on debilitated *Grandeur*, we may boldly pronounce, that he will soon make the Prince contemptible, and expose him to insults from the meanest of his subjects, and to encroachments on the rights of his crown by his ambitious neighbours.

The first step then to be taken by a prudent Prince, avoid being instrumental to the bringing contempt upon himself, should be, to review, with candour and great reflection, the plan of his education; and if he finds that the enemies of his royal House have been recommended to him as his best friends, that he has been advised to practise, unthinkingly, a vice of the deepest dye, *ingratitude* to those who raised that family to the imperial throne he enjoys.—If maxims have been inculcated which ruined some of the antient Kings of the realm he governs;—if he has been tutored in ways to oppose the private interest of himself and a *select* *kind* of *servants*, to the welfare of his people;—if he has been persuaded to injure any one of them in estate, life, or honour, by claiming the birth-right of one man to give to another, for the purpose of supporting a corrupt minister by breaking the heart of a third, through unkindness and rude dismissal from his service; or by inveigling a fourth to accept the highest office in the state on such terms, that he could not survive the shame of compliance;—in fine, if he has listened to such precepts as invited him to innovation and the destruction of antient institutions and customs; there is no way left for him to insure the public tranquillity, and prevent contempt; no means by which his reign may be glorious, but by making a sacrifice of the prejudices of education, and by dooming to perpetual banishment from his hearth his *councils* and his *kingdom*, all false preceptors and their tools or agents.

Innovations in the laws and usages of a nation, as they change the mode of thinking and acting, respecting the great articles, *life*, *liberty*, and *property*, and tend to an alteration in the very constitution of the country; if they are introduced by the *senators* and *judges*, under countenance and favour of the Crown, must infallibly retort contempt upon the Prince who sees, and yet suffers them. Judges and Court Judicature should execute justice according to the established laws, but should be punished with death for any *extra-judicial* proceedings in a land, “where the power of making or amending the laws is vested in other hands.” While the Prince delays to punish or prohibit perversions of the laws, it is manifest he permits them, and despises

injured parties, who repay him with contempt, if they go no farther.

An affectation of coolness to the bulk of the people, hearing their complaints with haughtiness, affronting their deputies, rendering their access to him either difficult or disagreeable, when they wait on him concerning important affairs, merely because their business disgusts his ministers, never fails to render the Prince contemptible, because the people consider that, in his public capacity, he is no more than their supreme agent.

Devoting his whole time to private speculations, domestic concerns, and common amusements, except such part only as the *Etiquette* of a Court, or the ceremonial offices of royalty, indispensably obliges him to dedicate to the world, without producing one single act of government entirely his own, which, by its popularity, should make his subjects rend the skies with the grateful acclamations of "Long live the King," is a sad prognostication that a Prince is contemned.

*Effeminacy* likewise produces an administration so weak and feeble, that great criminals act with impunity, and the leaders of sedition set at nought the vengeance of a King. No Prince can preserve the respect due to his authority, after he has failed in the prosecution and punishment of an insolent, mean subject. He can never be valued, who holds the sword of justice in vain; and surely a Prince may be said to hold it in vain, when he has not authority either to effect the banishment of a wretch who is a disgrace to society, nor to punish those who advised him to pursue a feeble and humiliating resentment against such a worthless being.

*Passanimity* is the last defect I shall mention in a Prince's conduct, which subjects him to the contempt of his subjects. From this weakness in the royal breast, springs *irresolution*, overturning in one hour what was determined on in the last, and being pleased and displeased almost in a breath; neither is the *favour valued*, nor the *anger dreaded* of such a Prince; so that with this inconstant frame of mind, he can neither fix a *friend*, nor terrify a *foe*. Exorbitant power and authority will arise out of this imprudence; and well may the Prince be despised when he disposes of nothing, and is divested of all but the name of a Sovereign; for, in reality, the dignity and Majesty of the Prince is eclipsed in proportion to the growth of the authority and power of a subject, whether he be a Grand Vizier, or a First Lord of the Treasury.

These are the means by which Kings degrade themselves, and lose that veneration which is due to the Vicegerents of Heaven; for such are all supreme magistrates, who study the



true end of government, the happiness, honour, and peace of those innumerable millions of the Deity's children, entrusted to their care and protection.

It is a melancholy reflection to throw in here, but as it is a just one, it ought not to be omitted, "That when once a Prince has incurred the people's dislike, all that he does, it well or ill done, from that instant turns to his disadvantage, because his subjects are prejudiced against him." This alone should be sufficient to make Princes guard against falling into the first stage of contempt; and if he ever reads the productions of the press, or goes frequently abroad, he cannot mistake his situation in this respect; for the cheerful hearty applause of the lowest well-meaning subject, though he expresses his content only by throwing up his *greasy* into the air, when the Sovereign passes by, is not to be despised; nor will any but traitors attempt to persuade a King to be at ease, under the loss of these external marks of the glory of his reign.

It is from an Italian Treatise on the Causes of Revolution in Kingdoms, written by the Baron Ottavio Sammarco, that I have borrowed the observation, "that contempt is one of the causes which has frequently produced the greatest changes in the forms of government, and more in monarchical than in any other." The reason is obvious, because the people who submit to be governed by one man, very often look for more perfection in him than it is possible for any one man to possess; and are so greatly disappointed in their expectations when the other extreme proves to be the case; and less is to be expected from the abilities of the Prince, than from the ordinary judgment and discretion of a common man, that they grow impatient of all restraint, and very unwillingly pay the tribute of obedience and respect to one whom they deem their inferior in point of understanding: Hence proceed murmurs, seditious discourses, and popular assemblies, in which the administration of a weak Prince is boldly and freely arraigned. This is the first stage of contempt in government; and if the Prince is well advised, it will stop here by a change in his conduct as respect and veneration may be recovered in this stage of our political disease; for a good subject soon returns to his duty he owes his Prince, when the cause is removed which has cooled his loyalty. Many instances from history furnish the author with ample testimonials in proof of his maxim, which would be tedious to recite them, and altogether needless, because it is impossible to turn over the annals of any country without being convinced that he is right.

The degrees or stages of contempt should be the next object of a Prince's most serious consideration. We must observe, that it is not every degree which creates change;—that only can produce revolutions in kingdoms which has entirely defaced obedience and fear, and is arrived to excess. The symptoms of this last stage of the distemper cannot be too well known by able politicians, whose business it is to administer, in time, such alterative medicines as may prevent this fatal crisis. The progress towards it will be in proportion to the number and weight of the causes that concur to produce it. Some of these it is my duty to point out.

When the Prince and the people begin to offer each other mutual and open injuries.

When he employs Ministers and Courtiers of shallow understandings and ruined fortunes.

When his public servants are universally despised at home and abroad, and their orders ridiculed, because they are contradictory and insufficient; and their negotiations are slighted and evaded by foreign Princes, because they are trifling or venal, and carry with them no weight of personal influence.

When a notion is entertained by mankind of his want of *courage* or *power* to resent *injuries*, or not punishing with alertness; for this gives foreigners a mean opinion of the state he governs.

When he endeavours to root out any abuse in his kingdom; and fails in it.

When men of the greatest abilities and integrity refuse the higher offices of the state.

All these circumstances denote, that the fever of disaffection encreases; and that the stage of the disorder, which changes contempt into hatred, is fast approaching. In this situation of things, it is high time to employ the most skilful physicians, not those who have the greatest name. Merit in this case must often be sought for in obscurity. Promotion to the great office of healing the distempered state, must not go by favour and affection, but by sound judgment and integrity of manners.

Here your correspondent chuses to close the scene, leaving to the discretion of Princes and statesmen to determine when their administration labours under such symptoms of contempt as may speedily degenerate to hate; devoutly praying, that the Almighty, under whose rule and governance are the hearts of all Kings, may dispose and turn them as it seemeth best to his godly wisdom; and lest any one should form invidious reflections from this essay on the powers in being, I beg leave to conclude with an extract or two from the history of the reigns

of Charles the Second and James the Second ; the perusal of which furnished me with the plan of my paper.

A. D. 1684. " In the midst of all these triumphs of ill-acquired power, Charles secretly languished beneath the conscious guilt of being the oppressor of a free and generous people ; he had been put upon measures, he had yielded to counsels that his own heart told him were not consistent with his honour or the welfare of his people ; by nature formed of a gentle disposition, he had suffered arbitrary and even cruel proceedings, to receive the stamp of his royal authority, he saw, but he saw too late, that while he compelled his subjects to submit to his desires through fear, he had lost the finest hold a Monarch can have over the millions subjected to his dominion, the mastery over their hearts ; and if we may believe those most conversant about the Court at this time, he began to form a design of altering his conduct of throwing himself upon his people ; in the mean time, however, his mistaken maxims of domestic government had likewise influenced his conduct in regard to foreign affairs ; for while he was intent on rendering himself absolute at home, he had suffered the French Monarch almost to enslave the rest of Europe."

A. D. 1685. " This parliament had, ever since its existence, shewed the greatest approbation of the doctrine of passive obedience and non resistance, and given signal proofs of its attachment to the King's person ; it had increased his annual revenue, and made it perpetual. Was it probable then, that a parliament, so generous and complying, would have made any difficulty of setting aside such a trifling law as the *Test act* ? Thus James thought, but he found himself mistaken. This pliant, this submissive parliament, still remembered there was such a thing as liberty entailed on the people of this happy land ; and that they were sworn conservators of that inestimable treasure, in behalf of the people."

A. D. 1686. " And now the King, having new-modelled his council and the bench of Justices, it was necessary, in the next place, to strike some stroke that might impress the minds of the people with a notion of the legality of the dispensing power in the Sovereign. For this purpose one Godwin, a coachman to Sir Edward Hales, a gentleman who, please the Court, had changed his religion, was desired to bring an action against his master, for exercising the office of Governor of Dover Castle, not having qualified himself by taking the test. This cause was heard with great solemnity before the Judges. Sir Edward pleaded the King's *dispensation* ; when, after abundance of learned arguments on both sides, the Judges, as had been preconcerted, gave it as the

opinion, " That the dispensing power was a prerogative inseparable from the Kings of England." But both they and the King incurred the contempt of the whole nation; and the fences of the constitution being broken down one after another, by this Prince, who was impatient of controul, and distinguished for obstinacy, which court-sycophants are ever ready to dignify with the name of constancy;—the contempt of his authority, which was manifested in the behaviour of the soldiers, when the bishops were sent to the Tower, by their very guards kneeling to them for a blessing, and cursing him for his tyranny, and by his whole camp laying down their arms, when he proposed to repeal the test, was converted the next year into a national odium. Such was the situation of affairs, when the nation, now fully convinced of the King's designs, began in earnest to think of means for preserving their religion and liberties from being utterly destroyed; and many persons of eminence and interest in the kingdom, as well clergy as laity, who had gone very great lengths in support of the kingly authority, thought it was better to retract their doctrine of non-resistance and passive-obedience, than bring their country to the brink of ruin by an obstinate adherence to it; and entered into a strict union with the non-conformists, for their mutual security, and to take measures for inviting over the Prince of Orange, in order to put him at the head of the party against the King." To this association, and to the blind insatiation of James, who followed the advice of his *select friends*, (not of the moderate men of his council, though of his own religion and party, who warned him of his danger when he was in the first stage of contempt) we owe the blessings of the glorious Revolution, which has put it out of the power of any Prince totally to subvert the constitution, but has left him authority sufficient to render his people happy or unhappy under his administration; and to make his reign glorious, or involve himself in successive toils and disquiets, if not in hapless ruin.

God prosper long our noble King,

Our lives and safeties all—

DECIUS.

Parliament-Street, Jan. 18, 1771.

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For the POLITICAL REGISTER.

*The End for which the Jesuits were driven from Popish Countries.*

**I**T is notorious, that the expulsion of the Jesuits from Popish countries, has occasioned much speculation; and many

many conjectures have been made about the reason, or first view, of that expulsion: For my own part, I have long been of opinion, that it is, in fact, the fundamental of a great plan, concerted between the Thane, the *primum mobile* of Britannia's police, and the Popish Princes on the continent, in order the more effectually to corrupt and subdue a Protestant people, and bring them back into the bosom of the church.

I will offer some few observations, which seem to countenance the conjecture:—from the late peace, which was a most significant compliment paid to the Popish powers, at the expence of our honour and safety,—the allowing France to take Corsica,—the countenance given to Popery in Canada, Grenada, and Nova Scotia,—the impolitic treatment of our Protestant colonies in North-America;—from the general employment of Scotch Jacobites and private Papists in places of power and trust;—the connivance given to Papists in their multiplying Mass-houses and seminaries of education;—our superior clergy giving them the preference to Protestant Dissenters, witness the last visitation of the B—— of N—— and the pen of a late A. Bishop ||;—the efforts making to establish a despotism,—and the argument openly used by Popish apologists, for a farther, an unlimited toleration, because of their people being better disposed for non-resistance and passive obedience;—from the contempt cast on all the petitions and remonstrances of the people;—from the late firing of the arsenal at Portsmouth;—and the manner of discharging the Popish officer, who had been taking the soundings of the two harbours at Plymouth; &c.—from the absolute power which the Premier has obtained over the two Houses, in virtue of places and pensions; and from the ability which both France and Spain has, in consequence, acquired, of spitting in the face of Britannia; from the arbitrary Star-chamber proceedings in our Courts of Judicature;—from the mortal stain given to the liberty of the press, and the power of Juries— from the wanton murders of Protestants;—and the pardons and pensioning of Popish assassins;—from the flagrant irreligion of our great, and their open debaucheries;—and from our magistrates permitting, and our nobility encouraging houses of gallantry and gaming, to the utter ruin of all decency and virtuous principle;—from all attempts to remove an imposing spirit of the church, being trampled upon by the prelacy; and a reforming scheme treated with indignation—fr

—from the high opinion his Holiness has of our a——a. These are some of the reasons why I conjecture what must have been the fundamental, political reason for the Jesuits expulsion; they are now to merit an establishment of their diabolical institution, by their success in perverting a Protestant nation.

### CONJECTURE.

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#### For the POLITICAL REGISTER.

*POLITICAL and COMMERCIAL Remarks on the Consequences of High Duties, and the Benefit of a different Mode of Taxation considered.*

**I**T is past a doubt the exigencies of state must be provided for when the safety of the people makes it necessary; and it is also past a doubt, that the necessary protection cannot be administered without the means, which, under Providence, are a sufficient force by sea and land, which, properly employed, and wisely directed, may be rationally considered as a bulwark to the safety of the state, and consequently to the manifold liberties and blessings of the people in this might-be happy island, Great Britain. This necessary force by sea and land cannot be maintained without very great expence, which must of necessity be supported by very great revenues; therefore are great revenues arising from the people so receiving the most valuable consideration, absolutely necessary. But then the grand controversy, and which the safety of the state, and the people, make very necessary to be wisely considered, and happily determined, is to demonstrate the wisest mode or modes of raising such revenue in such form and manner as to consequentially become most consistent with the true well being of the subject in general, or by such methods as are in their nature and consequences least liable to derive injustice, hardship, cruelty, or anti-commercial principles to the subjects. The reverse of which last nature are evidently very high duties on the importation of commodities easily portable; such as tea, brandy, &c. which, when legally imported, and attended with the accumulated high duties, become so high-priced to the consumer, that there becomes, in consequence, too strong a temptation among bad, unprincipled subjects, to smuggle such and such-like portable articles, or to buy them of smugglers; so ~~do~~ the high duties become, in effect, partial and unrighteous, too much putting it in the

the power of unconscientious and bad subjects to underse and ruin the fair trader, and best of subjects; an inglorious and ruinous retribution of rewards, opposite to the principle of justice and reason, and therefore not fit to be exercised except in some few cases where the commercial and moral interest of the subject may make a prohibition necessary. But even in such cases, unless a sufficient number of cutters and armed vessels are constantly employed to scour the seas around and keep them clear of smuggling vessels, it works great hardship, and a sort of injustice to the fair trader, and which ought to be guarded against. And, by the way, a large, sufficient number of cutters, sloops, and armed vessels, would be a good means of keeping up a large number of exercised seamen for the King's use when need requires. But, after all excepting such articles, the importation whereof is against the principles of our own manufactures and commerce, it is much to be desired by the candid and intelligent honest man, that the exercise of their sovereign power, respecting raising a revenue by taxation, would ever keep in view the true interest of the British manufactures and commerce, and the ease of the poor manufacturers; so that they, by buying the necessaries of life cheap, may afford to work cheap, and thereby prevent in some measure, our being undermined and underfold by our natural rivals and enemies the French, at foreign markets; and, in lieu of the hitherto too much practised method of taxing the necessaries of life, which the poor cannot do without, in order to raise the funds to borrow money on, and pay dividend or interest thereof, by such means supporting wars, unduring this century, and some few years of the last, the public are become much more than one hundred and thirty millions in debt to the lenders or their assigns; and by which means the poor manufacturers pay in the price a considerable tax in beer, ale, coals, soap, candles, &c. &c. and which has been so magnified from time to time, that it is high time to put a final stop to it, by wisely and honestly adopting a new plan of following property wherever it is found in the King's dominions, by laying taxes on all real and personal estates, honestly assessed as near as may be. This more wisely adopted, and regulated with prudence, may save the state and public credit, and administer much comfort to commerce, and to the poor manufacturers also, who are truly consequentially, the riches of the nation, or source thereof, and should, as well from policy as charity, be tenderly guarded, and prudently encouraged.

AMOR PATRIÆ

*Gracchurch-street, Jan. 7, 1771.*

*An Essay on public Defamation; in which a new Punishment is proposed for that Vice.*

**T**HERE are punishments wisely annexed to the commission of almost every crime that can hurt society, except LYING. This, when it is practised against the public, is suffered to escape with absolute impunity. A man may invent and propagate falsehoods of the most dangerous nature, which tend to create fears and jealousies in the minds of the people, and to sap the foundation of public credit, without having either his honour or integrity called in question: whereas, in private life, if a person be found guilty of telling a lie, he is immediately looked upon in the lowest light, and treated with every mark of contempt and indignity. I could wish some adequate punishment were found out to restrain the practice of public lying, which is become notoriously common and epidemical. It is the custom in Turkey when a man is the author of any flagrant falsehoods, to blacken the whole front of his house, even though the lies he tells be such as may become an ambassador, whose business it is, according to Sir Henry Wotton's position, *to lie for the good of his country*. Now I would not be so rigid as to punish every innocent fiction with severity; but I think it highly necessary to set a mark upon those who are detected in spreading falsehoods, that may prejudice the government, or mislead the minds of the people. I could like that the habitations of all such persons as are detected in forgeries, detrimental to the public interest, were distinguished after the Turkish fashion, by way of warning mankind how they give credit to them; *hic niger est*. Were such a method as this put in practice, what a strange checquered place would this metropolis appear! It would be all patched up like a piece of Mosaic work, or a chess-board; and if a stranger were to enquire where Quinbus Flestrin \*, Malagrida, or any other of our worthy patriots lives, the direction would be precise,—at the third or fourth *black house*, on the left hand.

I am aware that some objections may be urged against this scheme of mine; such as, that in the bowels of the city, where the worthy liverymen, Jews, brokers, and stock-jobbers reside, whole parishes would be in mourning, and several streets darkened from one end to the other: and in the country those pretty, white, snug, clean, trim boxes, that now catch and dazzle the eye of the passenger, would put on a funeral aspect, and many of them look like dark-lanterns.

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\* Lord Ch—m.



But these objections are of a trivial nature when weighed in the balance against the good of the community, which is immediately concerned in a mark being put upon such as lie, not like an ambassador for the interest of their country, but for their own private pleasure or emolument. I could forgive that crazy rogue Quinbus Flestrin all the legion of lies that he has invented, if I could persuade myself that he has one single spark of public virtue in his bosom. But it is plain that all *there* is cold as monumental alabaster; and the falsehoods which he is daily publishing, are created with no other view but to impede government, to distress the minister, to mislead the credulous, alarm the simple, and encourage the factious and turbulent to acts of riot and sedition. By such honourable means as these he hopes to force his way into power; for which reason I would have a mark put upon his house, and think it ought to be japanned a deep black, from the top of the chimnies to the bottom of the cellar. This would be productive of a double utility: it would be a caution to the most simple and ignorant not to believe a single syllable that he utters; and a direction to those who are in want of a lie or two, to serve any particular purpose, where they may be supplied. It would not be amiss neither, if a board was to be put up over his door, with some such inscription as the following:

### LIES PERFORMED HERE,

OF ALL SORTS AND SIZES.

By QUINBUS FLESTRIN, Undertaker.

He might have hand-bills likewise published, with the prices affixed to the several commodities that he deals in. Thus,

|   | £. | s. | d. |
|---|----|----|----|
| An impudent lie against our good king —       | 0  | 0  | 1  |
| A dozen of ditto against the princess dowager | 6  | 0  | 1½ |
| Against Lord North —                          | 0  | 0  | 0  |
| A probable lie for the Alley —                | 50 | 0  | 0  |

This last kind of lie ought to bear a good price, as it may be turned to a good account; whereas I believe the three former sorts will never turn out to any account at all. It may consist of a Suggestion that Gibraltar or Jamaica are taken, or of an Affirmation that a blow has been already struck; or lastly, of a Prognostication that a momentous and alarming event will happen before the second of February next. You may observe, Sir, that the prices of these several

several sorts of lies; as I have set them down, are dog-cheap; and they ought to be so for two plain reasons; one is, that being manufactured by Quinbus Flestrin, they are not of prime quality; and the other, that he has a large stock of them ready made upon his hands, and they will be good for nothing, if they are not immediately disposed of.

I am, Sir, your humble Servant,

PANURGE.

\* \* *The vein of true humour contained in this essay, intitled it to our notice, and we likewise insert it as a caution to political writers in the opposition not to deviate from truth; that they may not be exposed to such ridicule.*

*A Familiar* EPISTLE to the PREMIER.

LET me, N——, thy fortune greet,  
Brought up at the fav'rite's feet;  
Without smiling who can see,  
Premier; such a thing as thee?

Faithful copy of thy master,  
Whom the nation's dire disaster  
Gave for pedant to its King,  
Sure disgrace on him to bring,  
With so damn'd a stupid train  
As must foully cloud his reign!  
At this moment, thou, B—te's creature,  
Tak'st him off in every feature,  
Not forgetting his grimace,  
Of a solemn, busy face;  
Like him facile, vain and dull,  
Yet of self-opinion full:  
Cold to honour, cold to spirit,  
Worse than only cold to merit;  
Poor of head, and poor of heart,  
Playing scurvily thy part;  
Insolent, at once, and mean  
(Vices ne'er asunder seen:)  
On the lust of lucre bent,  
On thy holding posts intent,  
While their worth thou'rt pleas'd to rate  
By the profit they create,

Charming sure the thought to thee,  
 Tho' 'twere in a church, to be,  
 Counting o'er, with rapt'rous sense,  
 Splendid shillings, pounds, and pence,  
 Jingle! jingle! Hark! the sounds,  
 Sweet of shillings, pence, and pounds!  
 Creature born for love of pelf,  
 Taking care of little self!  
 With thy avarice at strife,  
 Didst thou ever in thy life,  
 Let the glow of heart-felt worth  
 Call *one* gen'rous action forth?  
 Say! canst thou produce *one* mark,  
 Though 'twere but a single spark,  
 Of that genius for affairs  
 Which success for them prepares?  
 Or is thy vocation aught  
 But thy passion for a groat?

Who can at thy levee wait,  
 And not smoke thy strut of state?  
 Shuffling, dodging, here, and there  
 Aping still thy master's air?  
 Sometimes looking big and bluff,  
 As if Jove himself thou'dst huff,  
 Then colloquing, fawning, primming,  
 Counting fine this nauseous trimming;  
 What a set of precious asses  
 Must they be on whom this passes?

Thou a minister! for shame!  
 Canst thou ever hope fair fame?  
 By vile dunces thus ingross'd,  
 Whom thou'rt weak enough to boast  
 For supporters of thy pow'r  
 Vermin who the land devour,  
 Who disgrace a tasteless court  
 Of its enemies the sport,  
 Fitter for the work of ruin  
 In a nation's sad undoing,  
 Than to prop a falling state,  
 Or retard its hastening fate;  
 While these round the luckless K—  
 Forming such an odious ring,  
 As must loyalty affright,  
 Intercept each ray of light.

In the senate rant and bounce,  
 And when spurgall'd, wince and founce,  
 But with all thy self-conceit  
 And thy arrogance complete,  
 Can thy superficial bluster  
 E'er for eloquence pass muster?  
 Or thy goggle-eye and stare,  
 With thy brow of bronze o'erbear,  
 Such as, judging rightly, will  
 At thy nonsense laugh their fill?

When provincially thou pratest,  
 And the schemes of taxes statest,  
 Holding forth on *ways* and *means*,  
 How must those behind the scenes,  
 Who thy prompter Mungo know,  
 Laugh at all this borrow'd show,  
 From a stock, at best, but shallow,  
 Only fit for thee to swallow,  
 Or throw dust in people's eyes,  
 Understandings of a size,  
 For admiring parts like thine;  
 Of their judgment no great sign?

Let thy wretched flatt'ers boast  
 How thou solely rul'st the roast,  
 Though well known t'obey that crew,  
 Who thro' B—te their favour drew,  
 And who keeping, to this hour,  
 The deposit of his pow'r,  
 While thus sadly still the *same*,  
 Of fair *Firmness* give the name,  
 To that chaos which prolongs  
 Both their king and country's wrongs:  
 But whate'er thy worst of foes,  
 Those who praise thee, may oppose,  
 To truth's light, that friendly guide  
 Which those night-birds can't abide,  
 The more knowing ones in thee  
 Must conjoin'd two creatures see,  
 Mixture strange of bird and brute,  
 Mungo's parrot, ape of B—te.

## POLITICAL INTELLIGENCE.

**W**EDNESDAY, Jan. 2, came on at the Palace of Holyrood-House, Edinburgh, the election of one of the sixteen parliamentary Peers for Scotland, in the room of the late Duke of Argyle, when the following noblemen gave their votes :

For the Earl of Stair. Present. Earls of Dalhousie, Leven, Northesk, Dundonald, Stair, Roseberry, Glasgow, Lords Borthwick, Lindores, Colvil, Napier.

Signed Lists. Duke of Athol. Earls of Rothes, Errol, Caelfis, Abercorn, Loudon, Dumfries, Lasdairdals, March, Marchmont, Portmore, Deloraine, Viscount Arbuthnot, Lords Forbes, Bamff, Rollo, Newark.†

For the Earl of Breadalbane. Present, Duke of Buccleugh, Marquis of Tweeddale. Earls of Crawford, Buchan, Glencairn, Eglington, Moray, Home, Kelly, Haddington, Elgin, Selkirk, Aboyn, Breadalbane, Hyndford, Lords Elphinston, Elibank.

Signed List. Earl of Hopeton.

For Earl of Dysart. Signed list. Duke of Gordon, Earl of Stair, Earl of Breadalbane.

Protests were taken against some of the signed lists as illegal, the name of the peer voted for being filled up in a different hand from the rest of the writing ; particularly one nobleman offered to prove, that the name in one of the lists, which came from a remote part of the country, was only filled up on the day of election. After the Earl of Stair was declared to be elected, the Earl of Selkirk entered a protest (which was next day given in to the clerks in writing) to which most of the noblemen, who voted for the Earl of Breadalbane, adhered.

It is remarkable, that no such spirit has broke forth from the Peers of Scotland, since the time of the great John Duke of Argyle and Greenwich, and that it has revived on occasion of choosing a successor to the late John Duke of Argyle, a Campbell too, being the patriotic candidate ; it is impossible for me to do justice to the noble conduct of those Peers, who, upon this occasion, stood  
up

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† Lord Newark was protested against, as having no right to the honours of Newark.

up for the honour and independency of their order in particular, and for the principles of the British constitution in general, in opposition to ministerial influence. His Grace the Duke of Buccleugh shewed himself a worthy grandson of the great John Duke of Argyle; and we may venture to foretell, that this young nobleman has now endeared himself to his country, and fairly entered upon a field of glory, in which he will appear with a lustre becoming his princely fortune, and illustrious rank.

The Earl of Selkirk acquitted himself with uncommon spirit. Of the very first nobility, Douglas and Hamilton, he displayed the sentiments of that true dignity which such blood inspires. "He well observed, that circular letters being written by the ministry to the Peers of Scotland, in the view of an election, in whatever terms they might be conceived, and whether understood as solicitations or as commands, were illegal and unconstitutional. That upon this occasion, no less than two ministers had written such letters (my Lord North and my Lord Sandwich) that the general objection lay against both of them. But as to my Lord North in particular, what had a Commoner to do with the election of Peers? That the legislature had wisely prohibited Peers from interfering in the election of Commoners; and surely the former was as improper as the latter, especially when that Commoner was first Minister."

The Duke of Buccleugh seconded Lord Selkirk's protest, "I think, said his Grace, the interference of ministry, in the election of the Peers of Scotland, is not only unconstitutional, but is a high affront to us. When I come here to give my voice in the election of one of our representatives, I consider myself as a judge. I am going to give my voice in the election of one of the supreme Judges of Great Britain; and I look upon solicitation in such a case, to be the same as soliciting a judge. These circular letters are therefore a high affront to us; and for my own part I do declare, that if ever I receive another such circular letter, if I can guess at its contents, I will put it into the fire unopened."—This noble indignation warmed the hearts of every spirited hearer.

Lord Elphinstone has also gained much honour by his spirited behaviour on this occasion.

*Edinburgh,*

*Edinburgh, Jan. 2, 1771.*

I DUNBAR, Earl of Selkirk, do protest against the Earl of Stair's being returned one of the sixteen Peers for Scotland; because the Ministers of State have, contrary to the rights of the constitution, used undue influence relative to this election, by writing circular letters to the Scots Peers, in support of the Earl of Stair; sending these letters from the Secretary of State's office to Edinburgh, thence transmitted to all parts of Scotland by expresses; thereby attempting to intimidate all who have dependance on the favours of administration, from giving their votes in that unbiased manner which is essential to the existence of liberty and our free constitution. For although these letters may be couched in terms apparently inoffensive, and evasive of their real and essential meaning, yet there is no man of common sense but understands the intension; and therefore, I think it is the duty of those who wish for the preservation of the independence of the Scots Peers, to oppose all such illegal and unconstitutional attempts. And although the Peers who have voted for the Earl of Stair, may have strictly followed their own inclinations and opinions, upon this occasion, against none of whom, nor against the Earl of Stair, is there any personal aspersion whatever hereby intended; yet I do protest for myself, and for those who shall adhere to this my protest, that the election in his favour is rendered void and null, and therefore that the Earl of Breadalbane is duly elected our representative, and ought to be returned accordingly.

(Signed)

SELKIRK.

And the following noblemen adhere—Buccleugh, Tweeddale, Haddington, Buchan, Hyndford, Glencairn, Abeyne, Engin, and Kincardin, Moray, Eglinton, Elphinston, and Ellibank.

It was expected that Lord Ellibank, who is not deficient in the art of speaking, would have made a flaming figure on this occasion; however, he proceeded on Mr. Pope's maxim,

“ Plain truth, dear Murray, needs no flowers of speech.”

He seemed to consider that the abject dependance of the Peers of Scotland was a plain truth, which needed only to be felt. His Lordship, however, we understand, was one of the prime movers of this noble exertion in the cause of liberty. We have already mentioned that objections were made to the votes of several Peers being sustained. Lord Ellibank objected to the list of one noble Lord, that it had been sent blank from the north of Scotland, and that

that he believed he could prove that a name was written in it that very morning, consequently it was not the voice of a Peer, but of the gentleman to whom the strange trust of filling it up had been committed. He objected to Lord Marchmont's list, that the date was not mentioned in letters at full length, but only in figures as in 1770; that he was not bound to understand those Arabic Hieroglyphics, these anti-christian characters. The objection of an anti-christian mode of writing to Lord Marchmont, whom Presbyterians and dissenting divines have bepraised so much, raised a loud laugh, while some men, of more reflection and feeling, were struck to find Mr. Pope's line, which was once meant as a compliment by antithesis, become now so palpably severe,

———"Palwarth is a slave."

After the Earl of Selkirk's spirited declaration, that he was to protest, and the Duke of Buccleugh's admirable support of it, while the ministerial Lords looked with somewhat less dignity at least than their patriotic brethren, up rose the Earl of Dalhousie. "As the noble Lord's protest may perhaps tend to throw an imputation on those Lords who have given their votes for the Earl of Stair, I rise up to say a few words in my own vindication. I come here unplaced, unpensioned, to give my vote voluntarily and freely. It is true I received a circular letter first from Lord North, and then from Lord Sandwich. I disclaim neither of them; but I do declare that I am not influenced by them upon this occasion. Had the noble Lord who was first proposed continued to be supported by Ministry, as I looked upon that as an improper choice, I should certainly have opposed it, and given my vote against him; but now when this noble Lord, the Earl of Stair, who was a candidate, a noble Lord every way proper and qualified, should I oppose him merely because he happened to be agreeable to the first Minister? Such have been my sentiments on this occasion, and I have thought it necessary to say this much in my own defence."

The Earl of Selkirk. "I am extremely sorry that any noble Lord has mistaken my meaning, when I declared my resolution to protest against the election of the Earl of Stair. I did not mean to accuse any noble Lord of having given his vote through undue influence. I hope there are none such. Had I known of any, I should have protested against their votes being received: I only meant to say, that as the Ministry by their circular letters had



endeavoured to influence this election, the candidate who has now the majority of voices was thereby incapacitated. We must resist the fatal influence of Ministers, whether it may have had effect or no. There may be other times, and other Peers, who may not have the same sentiments of honour which I hope all the noble Peers, who have voted upon this occasion, possess. There may be Peers so unhappy as to have no other means of subsistence than a pension. There may be peers who may look on a circular letter from the minister, as a command which they cannot disobey. I shall give in my protest in writing, and I am sure it will be such as can give no offence to any noble Lord."

Earl of Roseberry. As the protest entered by the Earl of Selkirk might be understood to throw a kind of odium on the Peers, who have given their votes for the noble Earl of Stair, I did intend to have said something—but it has been much better done by the Earl of Dalhousie: I must however observe, that if a gracious Prince is pleased to signify his inclinations (in whatever way he may chuse to do it) that a particular noble Peer is agreeable (to him) I really think we should pay regard to the inclinations of a gracious Prince.

Duke of Buccleugh. I cannot allow what has been said by the noble Lord who spoke last, to pass without animadversion: I do however in the first place declare, that I have as great a regard for the gracious Prince on the Throne as any man in his dominions can have; but what has a gracious Prince to do in the election of a Peer of Scotland? Let not our regard for the Prince lead us aside from the duty which we owe to the British constitution. Does not that constitution consist of three distinct branches, King, Lords and Commons? And does not its excellency consist in each of these branches preserving its own place, and being a check to the others, so as altogether to form that admirable balance, which renders our constitution the envy of all the states of Europe? If the King interferes in the election of the Peers, may he not also interfere in the election of the Commons? And if that should be the case, the consequence is obvious; nominally in three estates, but virtually influenced and directed by one only, what better should we be than under the most arbitrary government? I shall therefore ever hold it as a fixed principle, that the Peers of Scotland are better judges who shall be their representatives than any Prince or any Minister; and I shall always be for opposing any such influence.

The

The following is a copy of the letter :

“ My Lord,

“ I trouble you with this to inform your Lordship, that the Earl of Dysart intends offering himself as a candidate, to succeed the late Duke of Argyle, and I own he *has my good wishes*.  
I am, &c.”

The following is a copy of the letter sent to many of the Scotch Peers, previous to the late election at Holyrood house:

“ My Lord, *Whitehall, Dec. 21, 1770.*

“ I have the honour to inform your Lordship, that many Peers of North Britain have objected to the Earl of Dysart as a candidate, to be one of the sixteen Peers, to represent that part of the united kingdom in parliament; and also having considered the Earl of Stair as a proper person to be chosen in the place of the late D. of Argyle; your Lordship will, therefore, I hope, allow me to express my wishes for Lord Stair's success.  
“ I am, with great truth and regard,

“ My Lord,

“ Your Lordship's most obedient, humble servant,

“ SANDWICH.”

*January 22.*

**T**HIS day at noon, the Earl of Rochford, Secretary of State for the southern department, sent a letter to the Lord Mayor of London; of which the following is an exact copy, viz.

*My Lord,*

*St. James's, Jan. 22, 1771.*

I TAKE the earliest opportunity of informing your Lordship, that the Spanish Ambassador hath this day, at two o'clock, signed a declaration relative to the expedition against Port Egmont, in Falkland's Island, which his Majesty has been pleased to accept.

I am, my Lord,

Your Lordship's most obedient,

Humble Servant,

*Lord Mayor.*

**R O C H F O R D.**

ON Friday, Jan. 25, about three o'clock in the afternoon, the Right Hon. Lord North laid before the House of Commons, by his Majesty's command, the two following papers.

*Translation of the Declaration signed and delivered by Prince de Maserano, Ambassador Extraordinary from his Catholic Majesty, dated the 22d day of January, 1771.*

HIS Britannick Majesty having complained of the violence which was committed on the 10th of June, 1770, at the island commonly called the Great Malouine, and by the English Falkland's Island, in obliging, by force, the commander, and subjects of his Britannick Majesty, to evacuate the port, by them called Egmont; a step offensive to the honour of his crown;—the Prince de Maserano, Ambassador Extraordinary of his Catholick Majesty, has received orders to declare, and declares, that his Catholick Majesty, considering the desire with which he is animated for peace, and for the maintenance of good harmony with his Britannick Majesty, and reflecting that this event might interrupt it, has seen with displeasure this expedition tending to disturb it; and in the persuasion in which he is, of the reciprocity of sentiments of his Britannick Majesty; and of its being far from his intention to authorize any thing that might disturb the good understanding between the two courts; his Catholick Majesty does disavow the said violent enterprize;—and, in consequence, the Prince de Maserano declares, that his Catholick Majesty engages to give immediate orders, that things shall be restored in the Great Malouine, at the port called Egmont, precisely to the state, in which they were before the 10th of June, 1770: for which purpose his Catholick Majesty will give orders to one of his officers to deliver up to the officer, authorized by his Britannick Majesty, the port and fort called Egmont; with all the artillery, stores, and effects of his Britannick Majesty, and his subjects, which were at that place, the day above named, agreeable to the inventory which has been made of them.

The Prince de Maserano declares, at the same time, in the name of the King his master, that the engagement of his said Catholic Majesty, to restore to his Britannick Majesty, the possession of the fort and port called Egmont, cannot, nor ought, any wise, to affect the question of the prior right of sovereignty of the Malouine Islands, otherwise called Falkland's Islands. In witness whereof, I the underwritten Ambassador Extraordinary, have signed the present declaration with my usual signature, and caused it to be sealed with our arms. London, the twenty-second day of January, one thousand seven hundred and seventy-one.

(L. S.)

Signed,  
Le Prince de MASERANO.

*Transla-*

*Translation of the Earl of Rochford's Acceptance, dated the 22d day of January, 1771, of the Prince de Maferano's Declaration of the same Date.*

HIS Catholic Majesty having authorized the Prince of Maferano, his Ambassador Extraordinary, to offer in his Majesty's name, to the King of Great Britain, a satisfaction for the injury done to his Britannick Majesty, by dispossessing him of the port and fort of Port Egmont; and the said Ambassador having this day signed a declaration, which he has just delivered to me, expressing therein, that his Catholick Majesty being desirous to restore the good harmony and friendship which before subsisted between the two Crowns, does disavow the expedition against Port Egmont, in which force has been used against his Britannick Majesty's possessions, commander, and subjects; and does also engage that all things shall be immediately restored to the precise situation in which they stood before the 10th of June, 1770. And that his Catholick Majesty shall give orders, in consequence, to one of his officers, to deliver up to the officer, authorized by his Britannick Majesty, the Port and Fort of Port Egmont, as also all his Britannick Majesty's artillery, stores and effects, as well as those of his subjects; according to the inventory, which has been made of them. And the said Ambassador having moreover engaged, in his Catholick Majesty's name, that what is contained in the said declaration, shall be carried into effect, by his said Catholick Majesty; and that duplicates of his Catholick Majesty's orders to his officers, shall be delivered into the hands of one of his Britannick Majesty's Principal Secretaries of State, within six weeks. His said Britannick Majesty, in order to shew the same friendly dispositions on his part, has authorized me to declare, that he will look upon the said declaration of Prince de Maferano, together with the full performance of the said engagement, on the part of his Catholick Majesty, as a satisfaction for the injury done to the Crown of Great Britain. In witness whereof, I, underwritten, one of his Britannick Majesty's Principal Secretaries of State, have signed these presents with my usual signature, and caused them to be sealed with our arms.

London, the 22d day of January, 1771.

(L. S.)

Signed,

R O C H F O R D.

[As the Minister did not favour the House, neither in writing, nor by speech, with the King of Spain's instructions to

to his Ambassador in London; we shall here give what is authentically the purport of them, though perhaps it may not be exactly the tenor.

*The King of Spain condescends, out of his regard for his loving Brother, the King of France, to relinquish Falkland's Island. But at the same time Protests against any Claim the English may set up to the Right.]*

After the Clerk had read the Papers,

Lord North said, when the merits of the Spanish declaration came under the examination of the House, he would avow the part he had taken in the negotiation.

Mr. Dowdeswell moved, that all the papers, letters, instructions to our Ministers, &c. &c. &c. relative to the taking of Falkland's Island, and the negotiation with Spain upon the subject, might all be laid before the House.

Lord North consented; only he desired the papers might be moved for in three distinct motions, instead of being all included in one.

Mr. Dunning made an objection as to the idleness of the distinction, between one motion and three, for the same thing.

Mr. Dowdeswell agreed to Lord North's request.

Mr. Dyson made a foolish quibble about some words in the motion, conveying (as he pretended) a meaning contrary to a part of the King's Speech, at the opening of the present session.

Colonel Barre shewed, that the words objected to, were copied *exactly* from the King's Speech. He compared Mr. Dyson to a smoke-ball, and was very severe upon him. He then called the Spanish Declaration, *scandalous* and *infamous*; *dishonourable* to the Crown, and *disgraceful* to the nation. He said, when the merits of this Declaration came under examination, he should speak fully to it; for he had much to say upon it, and should therefore reserve himself for that day. But at present he could not help observing, there was not a man in England who did not condemn that Declaration. What, four months arming! and four month's negotiating! and is this all!—The noble Lord (Lord North) said in this House before the holidays, that Spain should pay a part of the expence we have been at, in making preparations to resent the insult. But there is not a word of the expence in the Declaration. The enemy was not ignorant of the weakness and cowardly disposition of the Ministers. The enemy know you dare not go to war (to Lord North) and therefore

therefore refuse to make us any satisfaction. There is not an honest man in England, who does not abhor the present set of Ministers. There is not a petty Prince in Europe, who does not laugh at and despise them. Thus it is in the power of any individual to put us to an enormous expence, and our Ministers dare not avenge the affront. They dare not go to war, because they are afraid they shall lose their places. Thus the nation is exposed to insults abroad; and it is left a prey to jobbers and sharpers at home. A French Secretary, being in your secrets, has made near half a million of money by gaming in your funds.\* And some of the highest among yourselves (Lord Hertford, Lord Holland, &c. &c.) have been deeply concerned in the same scandalous traffic. But a day of reckoning will come. This country cannot be in quiet, while every thing that is dear and valuable to the people, is thus ravished from them.

*Lord North* denied, that he had ever said Spain should pay a part of the expence. He declared, that he could not have said so, because he had never entertained the least idea of making such a demand.

*Mr. Charles Fox* said, he did not remember the noble Lord to have ever made use of any such words. (*He looks very like his father.*)

*Colonel Barre* said, he had not trusted to his own memory only, for his account of that fact. He had asked several other members, who all remembered the words.

*Mr. Burke* said, he remembered the words. He condemned the declaration in very severe terms. He called it *scandalous, infamous, and treacherous*. He said, the nation would demand the blood of those who made it. Nothing else could—nothing else would satisfy.—This declaration, this wisdom, this spirit of the ministry, this vindication of the honour of the crown, this security of the rights of the subject, which all lies in a nut-shell, has cost the nation above two millions of money! The Land Tax was prematurely voted; or rather, the country gentlemen have been duped out of 500,000*l.* The trade of this country has been greatly distressed and injured; 40,000 seamen have been voted; an

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\* This is true. M. Francois, Secretary to the French Ambassador, has realized above half a million in the Alley. The Spanish Minister had orders to sign the declaration at least six days before he did. Francois, and others, knew this. They duped their friends, Touchet, &c. who wanted to get intelligence. Bradshaw has likewise lost considerably. There were six lame ducks on Thursday last.]

additional army of 13,000 men have been voted; and they must all be paid; a great number of ships have been put into commission; at a great expence to the public; and all this for what? Why, to procure that scandalous, base, and dishonourable Declaration that lies upon the table.

The Ministers made no reply.

When the debate was over, several new writs were moved for. But when Mr. Wedderburn was mentioned, the members expressed their contempt of it, by a *very loud and dismal groan* (such as the Livery of London generally give in Guild-hall, to the name of an Alderman whom they dislike) and it was negatived; by several of the members crying out, *no! no! no!*—A circumstance so extraordinarily, and peculiarly disgraceful, has not happened in the memory of the oldest member of the House of Commons; and must for ever cover the apostate with shame.

*Proceedings in the Upper Assembly on Friday, January 25.*

THE Ministry laid before the House the declaration of the Spanish Ambassador, and our acceptance of it.—Then they sat silent, without daring to utter a word in favour of it.

The Duke of Manchester observed, that such silence was extraordinary; that though upon the face of the declaration it appeared very inadequate and insufficient, yet he would form no final judgment without further information, and therefore made a motion similar to that which on the same day had been made in the House of Commons, in substance being, that all the information which had been received by administration, of the designs of Spain upon Falkland's Island, and the papers that passed in the subsequent negotiation for the reparation of that injury, should be laid before the House.

Lord Rochford, with great candour, said, he wished every information relative to this matter to be laid before the House, and should not therefore oppose the motion; but would add a few words to it, to restrain it to the business of Falkland's Island, which he thought was not sufficiently guarded in the words of the motion.

Lord Sandwich was not satisfied with this, and so altered the amendment as to make it unintelligible, in order to furnish pretences upon which papers of consequence might be suppressed.

The Duke of Richmond observed, that Lord Sandwich's words were moved evidently on the ground of some reservation;

tion; that the motion confined the enquiry to the business of Falkland's Island, which ought to be the only restriction, and therefore the amendment was unnecessary, or meant something that it should not.

Lord Radnor said, that as Lord Rochford had first moved the amendment, there was no harm in it, though it was unnecessary; but he suspected something, since Lord Sandwich had altered it.

Lord Sandwich then said, his amendment, instead of narrowing, enlarged the question.

Lord Chatham remarked, that this generosity, in giving more than was asked, was very suspicious; that if administration had no objection to what was asked, why not give it without making any alteration in the motion? People would suspect that something was meant to be kept back. He said, he would not go into the matter of the declaration; but that upon the face of it, it appeared to be an ignominious compromise. It was no satisfaction; no reparation. The right was not secured, and even the restitution was incomplete; that Port Egmont alone is restored, not Falkland's Islands.

Lord Littelton earnestly advised the administration, for their own sakes, not to create suspicions; that they ought to begin to inspire the people with some confidence, the want of which was the great defect of the present age.

Lord Camden said, the defence of the amendment proved there was something meant by it.

Lord Rochford then finding that his plain meaning lost all credibility and effect, by Lord Sandwich's having meddled in it, withdrew his amendment, and the original motion was agreed to without alteration.

The Duke of Richmond then said, he had another motion to make. That which had been agreed to, would bring out all the negotiations with Spain; but as the world had strange suspicions that France had too much to do in this transaction, it was necessary to clear this matter, and therefore moved for the papers that had passed between our Ministers and those of France in this negotiation.

Lord Rochford said, he had agreed to giving the other papers, because they existed; but must object to these, because no such were in being.

The Duke of Richmond said, that though he would not dispute the credibility of Lord Rochford, the nation ought not to take the word of any Minister. Let the motion go: if no such papers existed, the King would say so, and then the



King's word, which every body must believe, would be pledged; but if any negotiation with France had been carried on, it was fit the public should see it; and punish those concerned, for it would be giving efficacy to the Family Compact.

As to the Declaration, he said, he could not leave the House without making one observation upon it; which was distinct from all information that the papers might produce; and it was, that he wondered any Minister should dare to accept, in the King's name, a Declaration in which *the right of sovereignty of the Island is brought into dispute*; that in the time he was in administration, the Spanish Ambassador had attempted to make it a matter of discussion; but that he, and he believed all other Ministers to this day, had never suffered it to be so much as made a matter of doubt.

Lord Chatham strongly supported the Duke of Richmond's motion. He said, that House should never take the word of a Minister; that the refusing this motion shewed that some *transaction* with France had passed, perhaps *not papers or memorials*. As Lord Rochford said none had passed, he believed him; but that France had *interfered*, he said, he knew to be a fact that could not be denied.

Lord Rochford got up again, but made no answer to this part of Lord Chatham's charge of verbal communication and negotiation with France. He said, he would answer all other charges when the day of examination should come.

Lord Suffolk, the new Privy Seal, then got up, and said, he had the *utmost confidence in the Ministry*; that as they said no negotiation with France had passed, he thought that assurance fully satisfactory.

The Duke of Richmond repeated, that the nation had a right to more; that the King's word alone would satisfy them; that he would have the Ministers shew the whole of their conduct to the public; if right they would receive their thanks; but for his part, while they pursued their present system of oppression at home, and meanness to foreign powers, he should never alter his opposition to them.

The majority over-ruled the question as usual.

# AN IMPARTIAL REVIEW OF POLITICAL WORKS.

*A Letter to the Jurors of Great Britain, occasioned by an Opinion of the Court of King's Bench, read by Lord Chief Justice Mansfield, in the Case of the King and Woodfall, 8vo. 1s. 6d. Pearch.*

TO this letter is prefixed, the opinion, verbatim, as we gave it in our last number; and the writer, in a short preface, desires his readers, as it is written with some little obscurity, to pay the strictest attention to it:—He likewise desires that two observations may rest on the memories of those who peruse his letter.

First, That all which passed at the trial, together with Lord Mansfield's direction (whether right or wrong in itself) must be wholly laid aside; because this was, in the language of the opinion; a question of law upon the face of the verdict.

Secondly, The distinction between express or implied malicious intent, is without foundation; because by the word ONLY, the verdict had excluded malicious intent; and the only doubt as to this part must be, whether the jury could decide upon the intention of the publisher.

There is a vein of candour and moderation runs through the whole of this performance, which bespeak the author to be a gentleman and a most respectable character. His great delicacy in avoiding all personal reflections, while he clearly exposes the fatal tendency of the opinion of the Court of King's Bench, cannot be too much admired in these times of distempered heat and animosity. But as there are some men who are so biased by party, that they will not attend to any thing written in opposition to the measures of any branch of the administration of government; in order to induce persons of this cast of mind, to surmount their prejudices, and peruse this most excellent letter to the Jurors of Great Britain, it may not be amiss to give them a specimen of the author's ingenuous disposition, before we proceed to examine his arguments, which are, in our opinion, founded in law, equity, and sound policy.

To a cursory remark on the mode of proceeding in the Court of King's Bench by *information and attachment*, having specified the case of Bingley, he annexes the following note.

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“ In

“ In justice to the present Judges the author finds himself obliged to declare, that all this doctrine is to be found in books otherwise of good authority, and is by no means of modern invention. Here, once for all, the author begs leave to observe, that he means no personal reflection, but merely to examine an opinion upon a subject of great national importance. If it would not be thought presumption, he would likewise add, what he has frequently maintained in private company, that in *his* judgment, the consistency of Lord M——d’s conduct entitles him to the praise of integrity; and that this country is greatly indebted to him for considerable improvements in its jurisprudence, particularly on commercial subjects; however little he may have attended to those forms of judicial proceeding, which distinguish the province of a judge from that of a jury, and are therefore intimately connected with our constitution of government.”

We hope every freeman in Great Britain, who is desirous of information on a subject which affects the very vitals of our constitution, the power of Juries, will be animated by such a manifestation of the writer’s cool head, to an enquiry of the soundness of his judgment, as equally to the goodness of his heart. On the freedom of the press his sentiments are incontrovertible, and his manner of expressing them so accurate and concise, that we cannot resist the temptation of giving them in his own words.

„ A free press is essential to a free government, especially where a single magistrate possesses great authority and much larger influence; and a man may venture to affirm, without a gift of prophecy, that the loss of one must be attended with the ruin of the other. If the crown, by art or violence, shall ever so far prevail, as to place the administration of criminal justice solely in the hands of single magistrates, who, like other men, are liable to corruption; the king is from that moment absolute. While the trial by juries subsists in its proper vigour, and criminal judicature thereby remains with the great body of the nation, no avenue will be open to oppression. The interest of the state may be sacrificed by ministers with impunity; but the people will continue free. Openly to destroy this noble privilege might exceed even the strength of parliament; to undermine it by secret art, the best abilities in Westminster-hall have frequently been employed. Should an attempt to narrow the power of juries succeed in the subject of libels, no greater advantage can be given  
for

for future attacks. In vain might our rights be defined by the clearest laws, unless the spirit of liberty be preserved among us. The dead letter of law will prove a feeble barrier against a magistrate armed with the whole authority of government. How can an individual be safe, unless his fellow-citizens understand their respective rights, and fly to the defence of them as a common cause? How can they understand? how can they defend these rights, unless frequent discussion shall make generally known those powers, with which the constitution invests the several orders of the state?"

The grand point in dispute between the Court of King's Bench contending for its jurisdiction, and the people for their liberties, is simply this,—*Whether in criminal cases* (and prosecutions for libels are such) *the jury ought, of right and duty, to determine the whole complicated charge stated in the information.* The opinion of the Court of King's Bench puts a negative on this right. Our author, who most assuredly is a complete master of the laws of England, maintains, that the opinion is erroneous, and points out the fatal consequences of permitting it to become the established practice of that court; which will certainly be the case, if the Jurors of Great Britain have not the spirit and integrity to assert their own rights, especially as an enquiry into the legality of the proceedings has been over ruled in both Houses of parliament.

A very necessary explanation of the form of law, which requires that the *general issue* alone shall be pleaded in criminal cases, though the contrary practice is occasionally admitted in civil cases, precedes the main argument in this judicious performance; and throws a new light on the subject, representing it in a point of view quite different from other writers on the same topic, and much more satisfactory, being intelligent to the meanest capacity.

"A civil right, together with a seeming violation of that right, may be acknowledged, and yet the party may not be entitled to recover any satisfaction. I complain to a Court of Justice, that A B. rode over my field, and damaged my corn. A B admits all this to be true, but says I had granted him a right of way through my field to his own.

"In criminal cases it is impossible to admit the charge to be true, and afterwards plead a defence, because every thing that will justify the act, denies the *criminal intention*, which is of the essence of a crime, and must be set forth in the information or indictment. Thus the epithets *traitorously, feloniously, &c.* are constantly applied to the act supposed to have been committed, as the nature of the crime, which the prosecutor

secutor means to impute, may require. The party accused pleads, " that he is not guilty of the crime, in the manner " and form as alledged against him." " The jury are sworn " to well and truly try the *matter in issue*, and true deliver- " ance make." When the jury return, they are asked by the clerk, " How say you, is A B guilty of the trespasss and " misdemeanor wherewith he stands charged?" If the fore- man answers, " GUILTY," the clerk again says to the jurors, " Well then, you say A B is guilty of the trespasss in *man- " ner and form as he stands indicted or informed against*; and " so you say all." The jurors answer, " Yes." Where- upon the verdict is drawn up, and added to the record thus : " The jurors upon their oaths say, that A B is guilty of the " trespasss and misdemeanor in manner and form as above al- " ledged against him." How plain and simple ! Is here any room for sophistry or argument ? Can the mind of man entertain a doubt respecting the province of a jury ? They actu- ally do determine the *whole crime, or charge in the information*. Such has been the form of our criminal trials, as far back as any traces can be found in legal antiquities of this country.

" If a doubt could yet be entertained, a slight attention to the form of a special verdict must remove it. If the jurors should not choose to determine any question of law which may arise, they state the facts specially, and pray the judgment of the Court upon the point of law, concluding, " That if such be " the opinion of the Court, then they find the defendant " GUILTY." If the Court be of a contrary opinion, then " they find him not NOT GUILTY." Is not here the clearest distinction ? Is it not evident when the jury mean to determine the *whole*, and when only a part ? Does not this difference of form prove to a demonstration, that the jury *may* determine the complicated question of law and fact ? Sir William Black- stone says, in express terms, they may ; and adds, as an ex- hortation to the study of the law, that the want of a compe- tent knowledge therein, to enable jurymen, " to acquit them- " selves with any tolerable propriety, has thrown more power " into the hands of judges to direct, controul, and even re- " verse, their verdicts, than perhaps the constitution intend- " ed."

" An objection is made, that either by demurrer before, or in arrest of judgment after trial, the opinion of the Court may be taken, who therefore must judge of *criminality*. *Crimina- lity* ! as relative to what ? As relative to the *information* ? I grant it. But the application of that *information* to the *person accused*, is confessed by demurrer in one case ; is found by the jury in the other. If no *crime* be charged in the information,

no judgment can be given; because the party confesses, or the jury finds, nothing but what is contained in that information.

"When the verdict of the jury in the *King and Woodfall* was first known, I found no difficulty in pronouncing it an acquittal. The express negation of all evil intention appeared to my understanding, so repugnant to the idea of a crime, that I paid little attention to the cavils of some loquacious Templars, who seemed to be puzzled with technical difficulties, the nature of which they themselves did not comprehend. These difficulties become important, when adopted by higher authority.

"It was charged in the information, that Mr. Woodfall did *wickedly and maliciously*, with intent to stir up sedition, &c. print and publish a *certain scandalous libel* signed Junius, which followed *verbatim*, with proper innuendoes. The jury found him guilty of printing and publishing only. No words can be less liable to misrepresentation. ONLY excludes every thing which is not expressly found, that is, every thing but printing and publishing the paper recited in the information. If evil intention be an object of the jury's enquiry; if the jury *may* determine the criminality of the paper; in either event Mr. Woodfall has been acquitted. Accordingly the judgment of the King's Bench goes decisively to these points. I shall transcribe the words of the opinion. "If they (the jury) meant to say that they did not find it a libel, or did not find the epithets, or did not find any malicious intent, it would not affect the verdict; because none of these things were to be found either way." The context plainly shews, that upon all these applications of the excluding word ONLY, the verdict would have been deemed a conviction; because the Court afterwards declare the verdict void for uncertainty, as "it is possible some of them (the jury) might mean not to find the whole sense and explanation put upon the paper by the innuendoes in the information."

"Here then is a solemn declaration, that a jury, in a charge of libel, have no right to determine the innocence or criminality of the paper; that the jury, by a general verdict of *guilty* find the fact of publication, and verbal supply of innuendoes only; that the jury *cannot* decide upon the *criminal* or innocent intention of the publisher; and that a direction of a judge leaving any of these matters to a jury, would be illegal.

"It is not difficult to trace to its source this contest of jurisdiction between the Jury and the Court. It arises from the different nature of that evidence, which may be applied to prove

prove *criminal intention* in prosecutions for different offences. Where the crime is theft, for instance, there can be no room for any variance of opinion. The *intention* to steal (which is signified by the word *feloniously* in the indictment) must always be collected from circumstances accompanying the act; circumstances which can only be known to the jury; of which the Court cannot receive any evidence. How happens it that in a charge of libelling, *malicious, scandalous and seditious*, should have no meaning? that in this crime alone such epithets are of no importance? mere formalities? inferences of law from the simple act of publication, an act in itself extremely innocent? Whence have arisen these pretensions of judges? The solution will not be difficult. *Criminal intention* in the publication of a libel may be proved by two sorts of evidence; one *internal*, arising from the nature of the paper; the other *external*, from the circumstances accompanying the act of publication. The first (being stated on the record) lies open to the observation of Court and Jury; the other species of evidence *can be known* to the Jury alone. The Court of King's-Bench adverting only to the first species, and desirous of drawing the whole judicature to themselves, declared that an express exclusion of *criminal intention* by the verdict of a jury, would avail nothing: but that *such verdict* (if the act of publication, together with the verbal supply of innuendoes, was found) would operate as a conviction. Should this be the law of England, a very ridiculous consequence would follow! A man might have the clearest proof of his innocence without a possibility of producing it! To the jury he could not; because they are not to judge of intention; nay, an express negation of *criminal* design by them would be void, and of no effect. Before the Court at Westminster it cannot be produced; because such evidence will contradict the general verdict GUILTY."

The fatal effect of acquiescing in this doctrine, laid down by the Court of King's Bench, is next illustrated by familiar instances equally entertaining and instructive.

"Let the judgment of the Court in Mr. Woodfall's case be the law of England, and I will undertake to hang, as a traitor, a very good friend to the government, for the very act by which he meant to serve his King. Suppose the enemy landed; and a manifesto published exciting the people to join the invaders. A good friend of government sends a messenger with this manifesto to the Secretary of State. He is indicted, for that he *traitorously*, and *with intent* to assist the King's enemies, did publish the paper, &c. The Jury are told they have

have nothing to do with intention ; that traitorously, &c. are inferences of law. The publication is proved ; there are no blanks in the paper to supply. The man is therefore convicted, and must be hanged.

“ The laws of every country exempt certain persons from punishment, considering them as naturally incapable of committing a crime. To punish such persons (independent of the immorality and savage cruelty of the act) would be repugnant to the first principle and foundation of criminal jurisprudence, which is, “ by the terror of example to take “ from men the will or intention to offend against the laws.” The spectacle of an idiot dying under the hands of justice may raise pity and commiseration in the bosoms of beholders ; but can awaken in no mind the idea of guilt, or impress a thought of punishment as the consequence of a crime. Yet these poor creatures must suffer by the new doctrines ; for juries cannot judge of a defect of will, and upon the face of the record, from which alone the court can judge, all is right.

“ The like consequences would follow, should the court arrogate to themselves an exclusive power of deciding the question, Libel or no Libel. The tendency of a paper must depend much on times and circumstances, which cannot appear upon the record. That one instance may suffice : Suppose in some future times corruption should be reduced into a system, and with equal impudence and profligacy avowed ; suppose parliaments, by places and pensions bestowed on individuals, should become as subservient to the nod of a minister, as the senate of Rome to the freedmen of the emperors ; suppose an House of Commons should assume privileges, and establish principles, which must subvert the rights of all the electors in Great Britain ; suppose lastly an attempt, open or covert, should be made to wrest from the people the trial by jury, that support of personal independence, that great security of our fortunes, our lives, and liberty : In such times perhaps even a moderate man might applaud, as an effort of patriot virtue, that remonstrance, which amidst common occurrences might justly be deemed the offspring of madness or sedition. This picture will not please the taste of some. Let us turn the canvass, and we may there behold Mr. Locke convicted of a libel upon the constitution, in favour of prerogative. Do not be alarmed. I speak of his Essay on Government. There are some unguarded expressions, which taken singly seem to authorize a government independent of law. The context indeed sufficiently explains his meaning ; but this, in the opinion of an attorney-general



general, might run the record into too great a length. Suppose therefore the context omitted, and in that case it cannot appear to the court the jury are mere judges of publication alone, (for there are no blanks in the book) and Mr. Locke is found generally guilty of a libel upon our constitution of government as established at the revolution; though all the world will readily believe Mr. Locke to have been no favourer of absolute monarchy.

“ The dullest invention might suggest innumerable absurdities of the like kind, which must follow from this opinion of the court, so gravely delivered and so solemnly defended. Nothing can excuse my having insisted upon this head of argument but the great authority by which Lord Mansfield’s directions to the jury is supported, wherein he plainly tells them (though in other words) that they ought to inquire only of a part of the charge contained in the information, which part if they believed, they must upon their oath declare the defendant generally guilty of the whole; for he did not exhort them to find a SPECIAL VERDICT.”

On the nature of libels the following observations appeared to us so very just and humane, that we could not resist the temptation of extracting them; and if, indeed, we were not afraid of the imputation of affecting literary property, we should have gone still greater lengths,—being very clear in the opinion, that very few persons are capable of writing such a letter to the Jurors of Great Britain, except that complete lawyer, and great, good man, Lord Camden.

“ The offence of libelling is equally uncertain with those of heresy and witchcraft, incapable of rule or law. Each paper differs so essentially from all other publications in sentiments, and language, and application to its object, that it must ever remain impossible to establish any standard or criterion in a subject, which may occasionally embrace the whole circle of human knowledge, of public interest or private passion: I know of no rule by which judge or jury can be guided in pronouncing this publication to be criminal, that publication to be innocent. A case once decided can never be a rule for a future determination, in things which must eternally differ from each other. The whole must here rest upon the hollow bottom of *opinion*! Opinion! which varies with the age, and education, and temper of successive judges. Should any men think to order the perfection of government, and that in every well regulated state there should be no distinction but between the magistrate who commands, and the servile wretch who trembles and obeys; before such men no publication,

cation professing to examine the conduct of superiors, could pass uncensured. On the other hand, there are men of more liberal minds, who know that the same inquisitive spirit in the people, which has raised this country to power, and grandeur, and dominion abroad, has improved our constitutional security at home; while arts, science and commerce, accompanied the progress of liberty; who think that a free press must prove equally a support to good, and a terror to evil government. These men might blame the authors of some late papers which have appeared, but would punish with reluctance. In a crime of so uncertain a nature, where improper severity may prove fatal to all liberal sentiment and manly freedom, shall our safety depend wholly on the integrity of judges? Shall the trial by jury exist only in name?"

With this strong illustration of the uncertain tenour of libels, and a sincere recommendation of the whole letter, we beg leave to close our analysis of a performance so well worthy the notice of the public in general.

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*Letters concerning the present State of the French Nation; containing a comprehensive View of the political State, Agriculture, Trade and Commerce, Revenues, Military Power, Government, Ranks of the People, Manners, Laws, Fine Arts and Artists, Theatre, Literature and Writers. With a complete Comparison between France and Great Britain in Respect of Extent, Fertility, Situation, Populousness, Capitals, Government, Laws, Agriculture, Manufactures, Commerce, General Wealth, Public Credit, Revenues, Army, Navy, Colonies, General Prosperity and Power, Architecture, Painting, Sculpture, Engraving, Music, Literature, Academies, Societies, &c. &c. &c. 8vo. 5s. 3d. W. Nicoll.*

WE do not remember, in the course of many years, to have perused the title page of any single volume, which promised to give the public so much entertainment and useful information. Every thing that has a tendency to gratify curiosity, to instruct the ignorant, to guide the politician, the gentleman, the merchant, tradesman and manufacturer, is included in this most comprehensive plan. How high a conception then must we have of that man who could execute it with any tolerable degree of perfection alone, unassociated with any fellow labourers in this great vineyard;—and, what

is still more, who could bring within the compass of one volume, what, at first view, seems to require four at least, of the size of the work before us! Yet such is the vanity of this writer, after having complained of the confined plans of those who have treated on his subjects, and declared that he knows of none that have, in one work, embraced the whole, steps forth and makes this bold attempt. He slightly commends the ideas given of the French nation in the lively *sketches* of Voltaire and Rousseau, and mentions the Italian work of Carrielli as judicious and well composed, "but politics and literature are strangely jumbled together;" the very error into which he has fallen in almost every page of his work.

We make no scruple to give it as our opinion, that this performance is written by a foreigner of great learning, sound judgment, and universal knowledge; but we cannot avoid remarking, that it is calculated for the meridian of Paris, rather than for that of London. The vanity of the author, which will appear by the following quotations, would have been excused there; but with us it will require some apology; and perhaps the best method he could fall upon, would be to sit down and revise the most useful and extensive parts of his plan, from which he might very well compile three more volumes without tiring his readers, or charging them too high a price for such valuable knowledge, if they are executed in the same masterly manner as the present outlines of this vast design.

In his introduction, after having gone through France, Italy, Germany, and Holland, in search of writers on his plan, he gives us the following conclusion, which, compared with a part of his title page, will, we hope, justify us in a *criticism* which, at first view, might appear harsh.

"In English very few works that treat of this subject, have been published: Some late political treatises are valuable, as far as they extend; and the hints of some modern travellers judicious; but I know not of any thing that extends much beyond one article of enquiry. And every thing *settled* which the language contains, would be very far from being a complete description. The scarcity, therefore, of works on this subject at large, it is hoped will plead for the imperfections of what is now offered to the world."—Most certainly, Sir, if you had not promised us, in the title page—"A Complete Comparison between France and Great Britain, with respect to every article of importance which respects the two people either in a public or private capacity, as civilized societies, or as separate individuals. When you have marked out so large a field as this, you must not be permitted to plead ignorance

norance of situation, climate, soil, culture or disposition of your plantations. The body politic in both nations, the people of both countries, as individuals, wherever they find themselves injured by the comparison, will arraign you for presumption ;—you might have taken more time ;—you might have informed yourself better ;—you might have put a modest salvo—“ to the best of my knowledge :” But when an author, an anonymous writer, presumes to draw the line of comparison between rival nations, at a very critical period, and with respect to such grand objects as commerce, public credit, manufactures, and fine arts ; it is the duty of every critic in both kingdoms, to mark his tenets with strict attention ; to call for his authorities when he pronounces judgment peremptorily ; and to bring in a writ of error when they appear to be the mere *ipse dixit* of partiality or misinformation.

To the general reviewers of literary productions we leave this arduous task, not doubting but they will do strict justice, in their criticisms, to both countries ; and that they will take more than common pains with this performance. It is our province to confine ourselves to the *political* part of this work, to come at which we were necessarily obliged to read the whole attentively ;—the cursory remarks we have already made, are therefore to be considered as arising out of the errors and inaccuracies of the whole ;—the natural consequence of erecting so spacious an edifice, without being provided with proper materials to finish it. This will appear still more evident, in the course of our enquiry into the merits of his comparison between the two kingdoms, in a political view, — by much the best part of the work, and in which there are such traces of superior genius, such criterions of true commercial and political knowledge, as leave no room to doubt, that the author, had he taken time, and not confined himself within such narrow limits, might have given the public such a work as few ages or countries could boast. Little prejudices—inaccuracies, the effect of haste,—and occasional false judgments, arising from defective information, are his greatest faults. We will now open to our readers this great magazine of curiosities and useful commodities ;—of the latter there are some which may be deemed invaluable. To this author we are indebted for advancing one great truth, which has been often sharply controverted, but is now firmly established. “ The *last* age was beyond all doubt that of France, and the *present* of England.”—In other words, England is now superior to France in learning, arts, arms, commerce, and

general reputation. Let this reanimate the drooping spirits of those who fancy they see Great Britain every day declining towards a state of ruin and dissolution ; but let it, at the same time, be a spur to industry, frugality, and integrity of manners ; for it is to the genius of our people, the excellency of our constitution, and other adventitious causes, that we owe this superiority ; for, with respect to every article of natural advantage, says our author, France exceeds England beyond all proportion. The articles of *extent, fertility, and situation*, are evidently in favour of France. With respect to the last, we must not omit one observation of this writer : “ France, in respect of communication with all other countries, is the best situated kingdom in Europe ; she enjoys all the advantages of England, with other additional ones,—such as ports in the Mediterranean sea,” (to which we have wisely let her add Corsica, yet those who connived at this acquisition still wear their heads !)

*Populousness* is the next advantage which our author gives to France ; and on this very important subject, we think it is but just to let him speak for himself.

“ I think there can be no doubt but this is the point which constitutes the real power of any nation ; provided the numbers of people bear a due proportion to the number of acres of soil, and that they are numerous enough to be secure of independancy. These points are self evident ; but nothing is more dubious and uncertain than the ideas of the best politicians concerning them. I know of no author that has discovered the mean number of acres for each person, in exact proportion to the nature of the soil and its products ; nor when that point is settled, how many people a nation should consist of, to be secure according to the perfection of the art of war in modern times, and according to all the variety of means of communication from one part of a country to another, which every one enjoys now, superior to six or seven hundred years ago. Instances are very rare ; the Italian and German sovereignties, are none of them such ; the only three instances I know of, are the Dutch, the Swiss, and Denmark—to which some would add Portugal, but I question whether justly. The two republics are inferior in size and number of people, to several sovereignties in Italy and Germany, but none can ever be half so secure from being conquered, or annexed by treaties of peace to any other powers ; which has been often the case with very considerable territories in both those countries. The Dutch and Swiss are distinct from their neighbours, are no parts of one whole—have a language of their own, and a national

national character which is peculiarly different from their neighbours. Now in Germany and Italy, it is totally different; all Italy is of one religion, one language, and one general character, with but slight variations; there is no great difference, therefore, to the generality of the inhabitants, under what Sovereign they are; or at least no other difference than the reputation of the day, in respect of lenity and severity. Think of the changes of the Milanese, the Dutchies, Tuscany, and the Sicilies, sovereignties which are kept distinct from their neighbours merely by the negotiations of superior powers. It is nearly the same in Germany; no one will assert that such transfers of provinces, and considerable ones too, have not been frequent there, and in future, infinitely more probable than with the other powers I named. The King of Denmark has very few subjects, and those in no proportion to the soil, but national character and language, will secure his independency. I cannot allow Portugal to come into the list; there is scarce any difference in the important point of national character, and the language is but another name for bad Spanish; add to all this, the situation is the most striking instance in all the globe, of a territory being a distinct sovereignty, contrary to the very nature of it. I consider the independency of Portugal, as very equivocal, in respect to future ages. — From all these circumstances, it is clear that a people much less numerous than commonly imagined, may be entirely secure of independency, if they have a peculiar national character and language. I have no doubt but any one of the islands of Sicily, Sardinia, Candia, or Cyprus, entirely peopled with Tartars, Russians, Chinese, Norwegians, or, in short, a people totally different from all others, with a language of their own, would preserve their independency, in spite of the most unfavourable events that are within probability. Corsica, without those advantages entire, will prove it. But to return from this digression. —

“The best authorities I have been able to get concerning the number of people in France, differ greatly; from thirteen millions to twenty. In such cases the medium is generally found to be nearest the truth. I shall therefore suppose them to be sixteen and an half. That number on an hundred and fifty thousand square miles, is in the proportion of one hundred and ten persons to each; and as a square mile contains six hundred and forty acres, it amounts nearly to five acres, and three quarters, to each person.

“The best accounts that can be procured make the number of people in the three British islands, to amount to ten millions;

tions; the number of square miles is 104,000, or ninety-six persons to each, which is nearly six acres, and three quarters to each.

“ France is therefore by much the most populous of the two; and if we consider the difference of fertility, this superiority will not surprize us, notwithstanding the want of liberty, ecclesiacy of the clergy, and inferiority of trade. For that point of fertility is prodigiously on her side.

“ I cannot help observing here, that this article of populousness is the grand affair of all others; I know not what consequences we are to wish for, from a perfect culture of the land, from numerous manufactures, and from an enlarged commerce, unless it be a great increase of people, and there can be little doubt but such really are the effects of them, from which we learn, that if England was not in a superior possession of those great advantages, there would be a yet greater disproportion between her populousness, and that of France.

“ Liberty, agriculture, manufactures, and commerce, are supposed to be such powerful causes of population, that I have no doubt but this inferiority falls on the side where it would not generally be expected: yet so it is; and it proves that all human improvement does not equal natural causes when they are left to themselves; which in the case of France, indeed they have not been, for population in that country has met with some cruel strokes.

“ In respect to an equal division of the people, France has likewise the advantage greatly: A prodigious part of Scotland is entirely barren (reputed so) whereas in France the barren tracts are scattered about, and surrounded by fertile ones: A difference very material; for it of course spreads the people pretty equally, and the immediate neighbourhood of cultivated lands, has a mighty effect on the minds of the owner of bad soils; the different consequences of culture and no culture are then so striking, that in a course of time, it gradually improves the bad soils: But when such vast ranges of country are desolate and barren, like great parts of Scotland, a general backwardness to improve must prevail amongst the few inhabitants, even when natural advantages offer themselves in the midst of such a country, there is not strength or spirit nearly sufficient to turn them to utility and profit.”

The next article is truly curious, and is such a lesson to our government, on the pernicious consequence of suffering the yearly increase of new buildings in and about London, and the concourse of the inhabitants of all parts of Great Britain

to the capital, to pass unnoticed, that if it has no effect on our statesmen and legislators, will be a convincing proof that private interest gives place, in every department, to the *salus populi*.

“CAPITALS. There are many political writers, who, insist, with great earnestness, on the utility of very great cities, and who speak with a degree of rapture on London and Paris; but, not to give too hastily into such an opinion, I cannot help doubting the fact being as they represent it, but on the contrary must suppose, that there ought to be a proportion between the head and the rest of the members of the body politic, as well as in the human frame: It may be difficult to point out this proportion precisely, but the reality of its existence is nevertheless certain.

“A very large capital is of bad consequences, in obstructing the people being equally dispersed—in occasioning vast sums of money to be spent, less to the public benefit than they inevitably would be (supposing the nation equally rich) if the inhabitants were more scattered about—and of very remarkable ill effects, in giving a prodigious importance to one particular spot of territory, not more defensible than other parts; nor very likely so much so. These circumstances are all of importance, and deserve to be well considered, before we pronounce so readily in favour of overgrown metropolises.

“Without giving into all the common declamations against luxury, we may be certain that the sums of private money, expended, or rather wasted, in the capital, without giving employment to useful hands, are vastly greater than they would be in the smaller towns, or in the country. There ought to be more clear distinctions made, of the different natures of luxury, than our political writings at present contain. If the inhabitants of any country are prodigal, and infinitely expensive in fine cloaths—laces, &c. &c. which are their own products, and wrought by their own people, their luxury, if it is so called, will prove an advantage to their country—but, on the contrary, if they spend large sums in foreign manufactures, or in their own, if wrought from foreign materials, such luxury is very pernicious—the first evidently so to all mankind; the second, likewise, ought to be very clear (although not of equal bad consequence) as it draws their people from manufacturing their own products. Now, to any unprejudiced person, I am certain it must appear a determined fact, that the latter species of luxury takes place much more in very large cities, than in smaller ones, and infinitely more than in the country—that is, the inhabitant of the



the farmer spends more money unprofitably to the public, than the inhabitant of the latter—both their fortunes supposed equal.

“A modern author of very great reputation, takes in this case the opposite side of the question. I shall quote the passage:—It is certain that the number of people in London is about five times as great as at the death of Queen Elizabeth; and though it cannot be supposed, that the number of people in this island hath encreased in the same proportion; yet it is certain that they have very much encreased, as is apparent from the growth of other great cities, the swelling of small villages into large towns, and the raising on our coasts of many new sea ports. It may indeed be objected, that if people remove out of the country, into great towns, this augments the number of their inhabitants, but not that of the nation; but then the fact must be proved, which is a thing impossible; for such as dwell in great towns consume a larger quantity of provisions, and all other necessities, than such as live scattered up and down the country; they must consequently be supplied with these, and therefore the growth of towns must encrease the number of people in the country about them. Thus the farther we trace this matter, the clearer, and the more certain it appears, and therefore what is deduced from it cannot be rationally called in question.”

“This ingenious gentleman says, ‘but then the fact must be proved, which is a thing impossible,’ which is precisely the answer to his own argument, how will he prove, that the vast growth of London is not owing to the people leaving the country and flocking to it? So far from it, that nothing can be clearer than the very contrary; for I much question, if there is a large village in England that does not, in a short space of time, afford the capital one of its young men or women, who have all a great idea of the riches of London, and think that six times the wages are to be had there as in the country; and the smaller towns constantly lose numbers in the same way, add to this the country gentlemen residing the winters in London, with their families, till many live there entirely. These circumstances are common to both London and Paris, but by far most so to the former, for there are not half the conveniences for the poor people to go to Paris, from the provinces, as from the counties to London—they may travel seventy miles in England, fare and expences included, for seven shillings, regular carriages move with such expedition, whereas there are not three in France that move more than an ordinary pace—the difference of which is pro-

ditions. Cross roads should all be good, those to the capital as bad as possible: The very reverse of this is the case,

" It is likewise asserted in the above passage, that the consumption of necessaries is greater in the capital than the country, and thereby the numbers in the latter encreased. I have no conception, the fact is true: I think I have already proved, that the detrimental consumption is greater—but that that of necessaries is the same is very paradoxical. If a family possessed of a certain income resides on their estate, whether it be in France or England, I am persuaded there is not one article of their necessary consumption, less than it would be at Paris or London: Provisions are in quantity superior, for there is ever a greater plenty in their country houses, than their town ones, more poor people eat in their kitchens, and with very good reason, for they are known, which is the case with scarce any in town, more servants are infallibly kept—all the superfluous showy ones of the capital, with others by far more valuable to the kingdom, those whose business is without doors; improvements are carried on in the lands, or park, adjoining the house, in a greater degree than when half the year is spent in London, and likewise for a good reason, the owners can much better afford it; all these points, and many others, occasion a larger family than any person of the same fortune keeps in town. It may be observed indeed, that there are multitudes employed in the carriages, which regularly communicate with London and Paris, which is true; but then, if all the towns of France and England, received their shares of the inhabitants of these two cities—carriages in other parts would encrease—but if they were to drop at once, it would be of ten times the advantage to the kingdoms respectively, for there is infinitely more mischief results from the multiplicity of horses they employ, than advantage in the number of men; this is a fact, but it would be too tedious to discuss it at present. In what articles, therefore, this superiority of consumption consists, I cannot devise—those of food—raiment, their own manufactures, that is—building—coaches, &c.\* All kinds of furniture, &c. &c. &c. would be by far more considerable in the country, than in the capital city; and if we consider every trade and business whatever, employed by

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\* This article would encrease in small towns, in proportion to the decrease of the capitals, I mean showy ones, others would in the country.

|| Would be six times as great; compare the size of houses in the country with those in the capitals.

a family, rich enough to reside in the capital, except those of detrimental luxury, we shall find more employed by those who reside in the capital, fortunes equal.

“ But one great and material point remains. Which is most favourable to population ! To call great cities the graves of the human species, would by some be thought to favour of prejudice: but to assert that the encrease of a million of people, scattered about the country, is infinitely greater than of the same number cooped up in a city, is to advance a fact acknowledged by all Europe—and mathematically demonstrable. And this fact is of such great importance as more than to balance all the advantages which the above quotation gives to great cities; if such advantages are merely ideal, what must be the case then ?

“ The last head under which I shall consider the consequences of such great capital cities, is that of danger from an enemy. In cases of foreign invasions, no particular spot in a country ought to be of such vast importance, as to render the safety of it a point of more than commonly national concern. This maxim is clearly drawn from the instances of which I am speaking. If an enemy was to break into France at the head of a victorious army, what object of more than common importance could he have in view, by securing which the war would be ended at one stroke, but Paris ? Let an army march into that city.—I will not say he would immediately have *carte blanche* offered him ; but I am clear, that a peace must be made with him immediately, or he would soon pay himself the expences of the war, for by one stroke he gets possession of a five and twentieth part of the French subjects—and those infinitely the richest.

“ Such an event at London would be six times as decisive ; for he would immediately command a tenth of the British subjects, at the same time, the chief part of the vast trade of England, and an infinite proportion of the riches of the kingdom, a necessary consequence of the vast fabrick of banks, funds, and credit, which have their residence all at London. Indeed the train of consequences which would immediately follow, is almost inconceivable : twenty years of otherwise successful war, would not be attended with such decisive advantages.

“ The wretched politicks therefore, of suffering the most important concerns of a great kingdom, almost its very being and independence to hang upon such a point, must be extremely obvious : and displays in the strongest manner, the most pernicious effects, which during any war, a nation is liable to, whose capital is so out of proportion to the body of the  
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the people at large. This is the reason that the dread of a French invasion was always so great in England; had London been no larger than Bristol, and a mere place of trade—had the seat of legislative government—law—and all public offices, been in the center of the kingdom; and well executed laws prevented such place from growing too large, the English would not have such cogent reasons to fear, as they have sometimes done in so apparently pusillanimous a manner, the landing of a foreign enemy. Rash assertions, that bear too much the face of paradoxes, I am not fond of, but I believe, on cool consideration, I should not be thought to hazard one, was I to assert, that an enemy's marching into either Paris or London—driving the inhabitants out, and burning them to the ground, would not in the end prove a misfortune, either to France or England.

—From all that can be ventured on this subject of capital cities, the following conclusion, I apprehend, just and decisive: *That the country, in this respect, labours under the greatest misfortunes, whose capital is the most populous.*

“France therefore, in this point of comparison, has vastly the superiority: The number of inhabitants is sixteen millions, and an half, and her capital contains about six hundred and fifty thousand, whereas the capital of the English dominions has a million of inhabitants, when the whole number of subjects in the three islands, do not exceed ten millions. Or, in other words, Paris contains one *twenty fifth* of the whole, and London one *tenth*. This great inferiority of England, is one reason of her not coming nearer to France in the article of populousness.”

With respect to GOVERNMENT this writer very candidly gives the preference to England on the principle of public freedom, and he very judiciously states the disadvantages which arise likewise from this invaluable blessing.—“In a free country, he observes, the government cannot in many conjunctures make use of the real power of the nation,—for the free people can be free from factions,—if they were so, they would not long preserve their freedom—and it is the nature of faction to oppose every thing but private interests, by which means the government is in some measure shackled, and precious opportunities are lost, which in affairs of importance are ever to be recalled. Thus freedom itself, that greatest of human blessings, may be of bad consequence to its possessors, in some peculiar situations.—But when there is such an harmony between the government and the subject, as to prevent the ill effects of faction, and the nation, and its king, are equally vigorous in any measure of defence, a free

people in such situation will defend themselves with more success than those who live under an arbitrary monarchy; indeed they have in this case a wonderful superiority, they have a cause that makes them more than men."

He finds great fault with the laws in both countries, and makes this nice distinction—Those of France are evaded and warped by the corruption and partiality of the judges; and those of England are so infinitely expensive in the execution, that there is scarce a trespass to be made, but a man had better submit to it, than apply to the law for justice.

The state of MANUFACTURES he leaves doubtful, as a point very difficult to determine.—"France employs herself principally (almost entirely) in manufacturing her own produce, and that in a much greater degree than England,—she consumes none but her own manufactures: *whereas the rage of fashion in England almost always turns on foreign ones.*" The reflection on our country is just, but excepting the French nation from this foible is an unpardonable partiality. Two articles of vast consumption in France, manufactured in foreign countries, clearly prove the contrary. Linnen, which they import from Holland, and Brussels and Mechlin lace from the Austrian Netherlands, coveted by all women of distinction in France, while they despise their own bland lace; the reigning fashion in England.

The COMMERCE of France he acknowledges will bear no comparison with that of Great Britain, but to our great mortification, and to the reproach of our government, he points out the branches of foreign trade where we have lost a superiority we once possessed, and gives the French nation a plan for recovering great part of that we still enjoy in North America.

The article of GENERAL WEALTH he divides into four parts.

1. The Rental.
2. The perishable personal Estates.
3. The valuable ditto.
4. The current Coin.

With respect to the Rental, he reckons the difference to be 20,000,000, Sterling in favour of France:—we will not dispute the exactness of this calculation; since on the whole a very great superiority cannot be denied.

But with respect to the second article what he calls very improperly perishable personal Estates—he is totally lost, and bewildered in his ideas beyond expression. "He supposes that so much more numerous a people, possessing so considerable a trade, and such vast manufactures and superior rental

of above twenty millions, are circumstances that must be our guides in this point. — Not at all, for it is not the number of the people alone, but the number of hands actively employed that produce the riches of a state, and he had before allowed that the English employ more hands than the French in manufactures. — As to the considerable trade, and vast manufactures of France, they are not so apparent as he imagines; and the single branches of manufactured woollen and linnen goods, including the effects of our East India company, are sufficient of themselves to give the superiority to England in what he terms perishable personal estates.

As to valuable personals, or plate and jewels, he is likewise grossly mistaken in giving the preference to France: — he gives credit to Voltaire's calculation, who computes these personals in France at 52,500,000 l. sterling, of twelve millions of livres; and he adds that the most judicious English writers do not compute this article in England and Scotland at more than 20,000,000 l. to which he adds 2,000,000 l. — We know not what author he has consulted; but we beg leave to refer him to "An Essay on the National Debt and National Capital, written by Andrew Hooke, Esq. of Bristol, and published by W. Owen, in Fleet-street, London, 1749," where he will find the whole personal stock of the nation, consisting in wrought plate, bullion, jewels, rings, furniture, apparel, shipping, stock in trade, stock for consumption, and live stock of cattle, estimated at six HUNDRED MILLIONS sterling; and I leave it to our author to put his two articles of — perishable and valuable personals together, or to divide them if he thinks proper, and if he has the least notion of political arithmetic, he will soon find that we have immensely the superiority; — to this calculation let him add the diamonds and other valuable personals brought into this kingdom from India, in the space of twenty-one years, from 1749 to 1770.

He follows Voltaire's authority with respect to the amount of the current coin in France, which he sets down at 52,000,000 l. sterling, and tells us it is well known this article in the *British dominions* does not amount to 20,000,000 l. but for this assertion he produces no authority whatever, — I shall therefore again refer him to Mr. Hooke, who makes the current coin amount to 30,000,000 l. in 1749; and we should imagine it is at present double that sum, especially if bank notes are allowed to be equal to current coin, which is but equitable while the bank daily issues money in exchange for them, but this our author will hardly allow me, as in the next article he takes to pieces the whole fabrick of our public credit. — On this subject he is copious, argumentative, and in  
many

many respects decisive.—On this ground therefore, we think it our duty to meet him fairly in our next number, when, after having had time to consult some respectable authorities, we hope to give our readers a further satisfactory account of this formidable treatise.—And as writings of this cast but seldom appear, we doubt not the patience and continued attention of the public, the field of comparison being so large, and the points to be discussed so very important.

*A Free Address to Freemen, by William Sharp, jun, 8vo. 6d. Flexney.*

**B**Y what we can collect from this address, it might more properly have been stiled a declamation, as it appears to have been delivered by Mr. Sharp to a society meeting at Newport in the Isle of Wight, to commemorate our glorious and immortal deliverer William III. but whether this society meets annually or oftener is a matter of no import, therefore Mr. Sharp does not gratify our curiosity in this particular—The composition is hasty, and consequently incorrect—As the first flourish of a young patriotic orator, it must have had great merit, but we are afraid this will be greatly lessened with the public at this time, when so many able pens are employed in discussing political topics.

*A Letter to Robert Morris, Esq; wherein the Rise and Progress of our Political Disputes are considered, together with some Observations on the Power of Judges and Juries as relating to the Case of Almon and Woodfall. 8vo. 2s 6d. Baldwin.*

**T**HIS is an attempt to controvert the popular opinion concerning the power of juries, especially in the cases referred to: it came so late to hand, that it was impossible to give it that close attention which the subject requires: it is therefore only mentioned to shew the author, and our readers, that we intend to pursue the golden rule of equity, “Audi alteram partem;” and we shall accordingly acquit ourselves of this obligation next month.

\* \* Our correspondent who desired the insertion of all the letters and advertisements relative to Mr. Horne's Dispute with Mr. Wilkes, forgets that they do not contain any public Political Matter—Our sense of the Contest will appear by the Plate for this Month.

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# POLITICAL REGISTER

For M A R C H, 1771.

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N U M B E R XLIX.

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For the POLITICAL REGISTER.

*On the danger, to which Princes are exposed by placing their confidence in unworthy persons.*

An ORIENTAL ALLEGORY.

**T**HE Princes of the east, accustomed to the grossest flattery, scarce ever hear the truth, but under the emblem of a fable: no one dares *remonstrate* with him, who has the power of life and death in his hands; and he, who wishes to give him salutary advice is afraid to do it openly.

A young Prince, who ascended the throne of one of the oriental empires at an age, when men are scarce able to distinguish truth from falsehood, asked his vizir, to whom length of years had given profound experience; what sort of men were worthy to be near the persons of Kings? Alas! replied the Minister, they should never confide in those, who seem the most solicitous to please them. A thorough knowledge of mankind is difficult to all persons, but it is almost unattainable by monarchs. A Sultan of Aleppo, who had the misfortune to err in the choice of a favourite, was undeceived by animals.

RUSTEM was the name of this Prince, who, sunk in the arms of indolence, abandoned the painful duties of government, of which he knew himself incapable, to the direction of his Ministers. Objects of luxury and trifling amusements wholly possessed his soul: he preferred a Jeweller, who could

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furnish him with elegant jewels, to a General who gained him victories, and the most important employment at Court was that of a Jeweller.

Rustem's favourite Sultana brought him a Son, and as he had entrusted all he held dear in the world, *his diamonds*, to the care of his Jeweller, he thought he could not do better than to consign to him also, the heir of his throne.

Sadi, the New Governor, infused into the mind of his pupil all the vices of his own nature, or rather he cultivated the seeds of those vices with which all men are born, but which a good education and wise reflections alone can stifle. The young prince Behadirchah accustomed to have his own way, and corrupted in his infancy by flatterers, grew impetuous, unjust and covetous, looking upon the people he was one day to govern, as an estate which he might dispose of according to his caprice. The trade his Governor had followed before he was raised to his present dignity, left him a strong passion for precious stones, which, with the rest of his inclinations, was transmitted to his pupil. Sadi, hearing that a Jew was arrived at Aleppo with a considerable quantity of Jewels, persuaded the young prince to buy some of them, meaning also to turn this favourable opportunity, to his own account.

The Jew being sent for to the Seraglio, saw his Jewels seized on, and a price offered him, which by no means answered his expectations: he complained of this violence and reclaimed his diamonds. Behadirchah unaccustomed to contradiction, ordered him to be turned out of the Seraglio: the unfortunate man astonished at this injustice, grew louder in his complaints, and uttered several unguarded expressions, on which the Prince, instigated by his barbarous Governor, commanded him to be beat in so cruel a manner, that he expired on the spot.

The rumour of this foul deed, highly enraged Rustem, against his Son and his Governor: the young prince was sent prisoner to a castle at some distance from the court; and Sadi driven from the palace, wanted to accompany his pupil; but the prince loaded him with reproaches, and ordered him never to approach his person again, lest he should persuade him to new crimes.

The unhappy wretch was then obliged to retire from all the world, and one night as he was travelling in a thick forest, he trod upon one of those pits, which are common in the eastern countries, being covered lightly over with moss, to deceive and entrap wild beasts. Into this pit Sadi fell, and to increase his horror found himself in the company of three animals—*a Lion, an Ape, and a Serpent*; but fear was his only enemy.

enemy—for the most savage animals become tame, when they are taken in a snare. The next day, when he was hourly expecting that these animals, through hunger, would take away his life, he discovered a man at the surface of the pit, to whom he immediately cried for assistance: the traveller touched at his misfortune threw down a cord, to draw him out of his melancholy residence.

The *Ape*, who was more alert than Sadi, seized on the rope, and appeared at the mouth of the pit, instead of the man, whom the traveller expected. “Hereafter you will not repent, said the *Ape* to him, the favour you have done me in saving my life.—The brute creation are capable of acknowledging favours, and of being grateful to their benefactors: you designed to save the man who shared my misfortune, Heaven grant he may not one day or other, make you curse your generosity!—My abode is at the foot of yonder mountain; and it is my wish, that I may meet you again, and be useful to you.” The traveller, who made no account of these promises drew him up, and released him, partly out of pity, but more through impatience to throw down the cord to relieve his fellow mortal: on this second operation he felt a weight which put him out of doubt that he had got the man, but on seeing the horrid bristles, the teeth and talons of the king of animals, he was so terrified, that he was on the point of letting go this heavy load. “Take courage, said the *Lion* to him, in a mild, but majestic tone:—Let not thy fear prove fatal to us both—thou wilt acquire no contemptible defender—I may, hereafter, preserve thy life as thou hast mine—thy comrade in the pit will never do thee so good an office.” The traveller animated by this powerful harangue, redoubled his efforts, and at length succeeded in setting him free.—Friend, added the *Lion*, with an air of protection, my den is in the forest in the neighbourhood of the city, I hope we shall meet again.”

There remained still two prisoners to deliver, the rope was let down again to the bottom of the pit, when the *Serpent* entwined himself round it. “Generous deliverer, said this reptile to him who had saved his life, I will give you a piece of advice, but you will not follow it; wisdom is the lot of Serpents, of which men often stand in need.—I have left at the bottom of the pit, the most ungrateful of mortals, I am skilled in physiognomy, and am sure this wretch has committed some crime, for which Providence means to punish him; abandon him to his destiny, if thou wouldst not repent of thy liberality; thou hast the air of being too easy, I promise thee on the word of a Serpent, to draw thee out of the first difficulty,

into which thy excess of goodness shall precipitate thee—adieu, My domicile is along the walls of the city.—Profit by my advice, and rely on the acknowledgements of an animal, who is too wise to be ungrateful.”

The traveller too humane to follow an admonition that would have been salutary to him, let fall the cord a fourth time, and the unfortunate Sadi, now laying hold of it, saw himself delivered beyond his expectations. It is impossible to describe his transports of joy, the effusions of gratitude he shewed to his benefactor, or the promises he made him, which far exceeded those of his fellow captives; embracing the traveller with tears of affection, he began to recompense him for this important service, by deceiving him. In fact, the history of Sadi's life was too humiliating for him to relate the exact truth; he owned that he had been disgraced at court, and was fallen from the summit of fortune, but he took care to conceal the cause. Sadi mentioned only the ingratitude of Princes, and the injustice they were frequently guilty of; telling his deliverer that he was one of those examples, which should teach men not to rely on the favours of the great; and introducing into his discourse so much morality and virtue, that the traveller thought he had saved a philosopher. “I live, added he, in the suburbs of the city, and I offer you an asylum in my poor retreat.”

The traveller had other prospects in view; he pursued his journey to the Indies to purchase merchandise, indulging himself as he went, in those pleasing reflections which flow from the consciousness of virtuous actions. Arrived at the place of his destination, commerce favoured him, his money successfully employed, returned him four-fold; and at length being enriched beyond his utmost hopes, he had a desire to revisit his native country; accordingly, he took the same route back again; and traversing the forest in which he had saved the unfortunate prisoners a few years before, he mused with great pleasure on the fine speeches of Sadi; but as for the promises of the three animals he never once thought of them, or if he did, it was only to felicitate himself, that they did not devour the benefactor that had preserved them.

In the midst of his reveries, a band of robbers surrounded him, dismounted and stripped him, and were preparing to take away his life, when one of them represented to the rest, that this additional crime was needless. They, therefore, tied him hand and foot, and fastened him to a tree, where they left him exposed to the injuries of the weather, and hourly expecting death to put an end to his misery; when the loud  
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lamentations he made, drew the attention of *the Ape* whose residence was at no great distance from the place; the animal followed the cries, and coming to the spot found his benefactor in as bad a situation as that from which he had formerly delivered him. Instantly with his teeth and his paws, he tore asunder the bands that tied Achmed, he warmed him by his embraces, and conducted him to a cave, where he gave him some wild fruits to appease his hunger. The recital of his melancholy adventure affected this grateful animal; and his knowledge of all parts of the forest, led him easily to the discovery of the rendezvous of the banditti, who had plundered his friend. He repaired to the place with that celerity and agility which is common to these animals, and surprised them asleep: perceiving some sacks which by their weight he judged to be filled with gold, he loaded himself chearfully with a burden made light by gratitude; and dragging after him the cloaths which he took to be those of his guest, he arrived at the grotto with that joy which a generous action inspires.

ACHMED having recovered his treasure, thanked the friendly Ape, and continued his journey. As he proceeded, he inwardly reproached himself for the contemptible notion he had entertained of the gratitude of beasts, when he discovered the approach of a terrible *Lion*; but when he was almost dead with fear, the king of animals, instead of horrible roarings, accosted him in these mild terms. "Come my friend and deliverer, thou hast saved my life, I will now shew thee my gratitude, let us retire to my den, there thou shalt repose thyself after the fatigues of the day.

The proceedings of the Ape, had partly reconciled Achmed to the company of beasts, and in hopes the monarch of the woods would not be less generous to him than the Ape; as well to amuse his majesty, as to set him a good example; he related to him the noble acts of *the Ape*. The *Lion* acknowledged that his conduct was very commendable, and then reflecting secretly, that it did not become his dignity to be less generous than one of his most feeble subjects, he made his guest promise, not to leave his den before his return, and went out in pursuit of his design.

The castle to which RUSTEM had confined his son, was in the neighbourhood of the forest, this unfortunate Prince who had only a small number of domestics, often walked out alone in an adjacent park, encompassed with a very low wall. His taste for jewels was not yet abated, for he constantly wore a turban enriched with an aigrette of diamonds, which was the sole relick of his former prosperity,

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The *Lion* having frequently observed this piece of ostentation, saw two advantages arising from the destruction of the Prince; the one a very good breakfast for himself; the other a very rich present for his guest. The king of animals then darted suddenly on the prince of men; the victory did not long remain doubtful: the same providence which revenged the death of the Jew by the talons of the *Lion*, directed the rich turban to the good traveller, which the *Lion* brought to him in the den with grateful transport.

ACHMED loaded with kindness by his host, who had at first excited his fears, directed his steps towards the city, where he hoped to find his friend *Sadi*—reasoning thus as he proceeded: “Since brutes repay so generously the services that are done them, what may we not expect from men.” He entered the city early in the morning: the news of the Prince’s death was already known, some blood and the remains of a body had been found in the park belonging to the seat of his exile, and the subject in dispute was, whether the unfortunate *Behadirchah* had been devoured by wild beasts, or murdered by robbers, who the better to disguise their crime had mangled and carried off part of the body.

When ACHMED arrived at the house of his friend, as soon as the first transports of joy on meeting were over, he related to him his singular adventures.—An *Ape*, had restored him his liberty and fortune, taken from him by robbers; and a *Lion* surpassing the bounty of all other monarchs, had given him an *aigrette* of diamonds worthy to adorn the turban of the commander of the true believers. Our unfortunate traveller did not foresee the misery which this fatal *aigrette* would bring upon him; he knew not that it had belonged to the King’s son; and had been the cause of the tragical end of that Prince; as it was difficult to dispose of this valuable present; ACHMED consulted his friend on that subject, and being now very rich, he intreated him to find a person to estimate his jewels, that he might divide them with him.

*Sadi* immediately knew the diamonds again, which he himself had set: behold said he, to himself, the *aigrette* of the Prince, whose death we deplore! what reward may not that man expect, who shall discover to the afflicted monarch the murderer of his son, and aid his vengeance!—After having affectionately embraced his deliverer, and performed all the first ceremonies of hospitality, when the traveller, in full confidence, retired to rest, the perfidious Jeweller prepared to carry into execution his vile purpose. Not in the least shocked at the horrid crime he was about to commit, and making  
no

no account of the life of his deliverer, provided he could be restored to the Sultan's favour; he repaired to the Seraglio to acquaint him, that he had secured the murderer of his son, producing the *agrate* in proof. The Sultan immediately sent for the supposed criminal, who ignorant of the crime laid to his charge appeared before him, with trouble and confusion in his countenance. He immediately perceived the perfidious *Sadi*, and suspected him to be the cause of his disgrace; recollecting then, but too late, the wise counsels of the Ape, the Lion, and the Serpent, he could not help exclaiming aloud, "I merit the fate that is prepared for me."

The Sultan ignorant of the true meaning of these words, took them for a confession of guilt that had escaped him unawares. He therefore condemned him to be carried through the city upon an ass, and afterwards to be shut up in a loathsome dungeon. His execution being deferred till the funeral obsequies of the Prince were over. The unfortunate *Achmed* after being exposed to all the inhabitants of the city, was cast into the dungeon, where he had time to reflect on his calamity, and the imprudence that had brought it upon him. The *Serpent* who had been attentive to the fate of his deliverer, had been a witness of his ignominious punishment; knew the traitor that had deceived him, and had as strong an inclination to punish him, as to save *Achmed*, easily penetrated into his prison. "Did not I forewarn you," said he, "that man is the most ungrateful of all animals, and that he returns evil for good: I doubted not that the ungrateful wretch thou wert determined to save, against my advice, would some day or other be the cause of thy ruin, and I then foresaw a part of the evils to which you would be subjected, by slighting the counsels dictated by wisdom and friendship."

"Cruel friend, cried the unhappy *Achmed*, who knew the voice of the *Serpent*,—was not my misfortune sufficiently great, without your augmenting it by bitter reproaches—rather endeavour to make known my innocence and deliver me from this horrid situation."

"I promised thee," replied the *Serpent*, to repair thy imprudence: I am faithful to my engagements; thou wouldst not believe me then, but it is now high time to place an entire confidence in me. I shall, perhaps, be too cunning for the villain who wants to destroy thee—take that herb, that alone has the virtue to expel the poison that I have just instilled into the veins of the favorite Sultana! the Sultan abandons himself to the most violent grief! thou alone canst alluage it! very soon thy pretended crime will be forgotten! "with you men,  
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*he who can be useful to the Great is always innocent!* Boast loudly of thy skill, that is the way to succeed! apply thine herb, and thou shalt soon see wonders!"

It was prudent to be tractable, *Achmed*, therefore, very willingly availed himself of the advice, and the remedy. As soon as it was known at court, that a prisoner was in possession of an herb that was efficacious against the venom of a serpent, he was conducted to the Queen's apartment.—The first application to the wound cured it instantly.

My lord, said *Achmed* to the Sultan, the Princess will feel no more of the cruel pains she has suffered; her life is restored; but I am about to terminate mine, under the most cruel torments, which I have not merited: you are too equitable to destroy an innocent person. *Sadi* it was, who poisoned your son in his infancy, it was he, who by his evil counsels made the Prince incur your resentment. You will know the bottom of this villain, when I have proved to you, that he is the most ungrateful of mortals! He then related to the Sultan the adventure of the pit, and the sequel. The Sultan convinced by *Achmed's* relation of his innocence and the crimes of *Sadi*, ordered that he should undergo the torments that *Achmed* was to have suffered upon the false information of this calumniator,—who ignorant of what had passed at the palace, waited with impatience the success of his base perfidy; and flattering himself with being restored to the favour of the Sultan, had already formed the most ambitious projects; when in the midst of his chimerical triumph, he was arrested and led to the scaffold; where he finished his guilty course.

This history my lord, continued the old Visir, addressing himself to the young Sultan, is an instructive lesson to Sovereigns: by shewing them the imminent danger of placing their confidence in men of mean principles and corrupt hearts; and is a caution to all mankind not to rely on the gratitude of Courtiers, who to compass their views, whether of ambition or avarice, will betray their dearest friends, and sacrifice even the fruit of their loins; to stand at the elbow of the King, to gain the royal ear; or to acquire tyrannic power over their fellow subjects. Henceforth my lord, choose old, honest, and right noble counsellors, for if you intrust your government to young, flighty, libertine nobles, who have nothing to boast but high sounding titles, and presuming arrogance, your people will regret they have a man for their King; and will wish for an *Ape*, a *Lion*, a *Serpent*, or any other sagacious animal to reign over them in your stead.

The Persian author of this Fable says, that the young Sultan for a time, slighted the minister and forgot the fable; indulging

indulging himself in the caresses of women, and listening to the adulations of his younger courtiers ; till a dangerous faction ; general discontent among his people ; and perpetual quarrels between the nobles, who contended more for places of profit, than for the honour of the crown ; roused him from his lethargy ; and, in the *eleventh year of his reign*, he sent for the old visir to court, whom he had looked upon to be *mad*, (the young debauched nobles having spread such a report) told him, he would for the future be his own minister, and assiduously apply himself to affairs of state ; but, that he might not trust entirely to his own judgment, he solicited the good old man to end his days at court, that he might be always at hand with his advice, on great emergencies : and, from the time of this happy change, the reign of the sultan was prosperous, he was beloved at home, esteemed and feared abroad, and but seldom retired to domestic amusements. In a word, says the author, from a very good private man, he became an excellent monarch.

*To the* EDITOR of the POLITICAL REGISTER:

SIR,

**I** AM sorry to find it is almost become a proverb, that kings are born to be duped. On this detestable principle I suppose is grounded the shameless, avowed practice of plundering the public in a thousand shapes, but in none so much as making the most of a good place. It is now reckoned good policy to make a mercenary, unconscionable bargain with a prince for the acceptance of posts, which were formerly held the greatest honour that could be conferred on a subject. A man that should shew any scruples at this time of day of making an immense fortune at the expence of the sovereign, or of the nation, would be laughed at for a madman.

The reason of this is very clear ; there is no longer any public spirit in the nation, but every man worships interest as his God, and is regardless of the fate of his country, or even of his own posterity. To such a degeneracy is this age arrived, that the very appearance of public virtue is turned into ridicule, and the man who aims at establishing a character of disinterestedness, is ridiculed as a false patriot. But if this plan goes on, Sir, for any term of years, and his majesty is to purchase chancellors, judges, attorney generals, secretaries of state, privy seals, &c. every two or three years, God help him ! he will be as poor as a church mouse. The tables are turned upon him, he is forced to buy all his servants, whereas some of his predecessors got money for the

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great offices of state. Now, though both practices are bad, yet that of the present times is the worst. To give the king money, is, in fact, to give it to the state, for if the royal coffers are full, we shall not have any call for extra-supplies to pay civil list debts. But to require pensions and reversions, a place for my son, and another for my nephew, with large salaries annexed, is indeed robbing the public, by impoverishing the king. All kind of traffic, every negotiation, or contract concerning the disposal of public offices should be abolished. Nothing but the fair legal salary should be allowed on any pretence whatever, and a refusal to accept should be deemed an insult to the king and to the nation; unless the persons to whom the chief dignities of the state are tendered, will assign reasons of conscience and honour for rejecting such high stations. It is a duty every man owes his country, when called upon, to take upon him the administration of that branch of government for which he is reputed to be qualified by rank and abilities: and if, when it is tendered, he wants to make mercenary conditions, he ought to be branded as a traitor to his country. Those statesmen who stipulate for any additional revenue, beyond their common salary, give room to suspect they will increase their incomes still more by selling places under them; and indeed, without this resource, it is almost impossible that such princely fortunes should be amassed, as have been gained of late years in some of the departments of government, particularly the treasury; the administration of which, for three years, is sufficient to set a man upon a level with the richest subject in the kingdom.

When virtue and integrity are no longer in fashion, it is not at all surprising, that frauds of every kind are countenanced and encouraged; the higher the rank of the person, the more atrocious are the crimes he is allowed to commit, without being called to account for them in these degenerate times. To cozen the people is accounted a master-piece of policy; to avow the intention, and abide by the practice of cheating a whole nation, is called intrepidity, resolution, and the best qualification for a prime minister. It is equally fatal to the prosperity and tranquility of a kingdom, whether avarice or corruption hold the reins of power; in either case, places will be bought and sold; and to plead merit, long services, or honesty, will be quite useless under such administrations. Between ignorance and knavery the public is most wretchedly gulled; for every important office of the kingdom is held by persons either disqualified for any, or at least absolutely so for the stations assigned to them.

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The whole constitution of the boards of treasury; of trade; of the admiralty; the administration of the colonies; the government of Ireland; and our excellent set of ministers at foreign courts—all plainly demonstrate this truth; that a man's talents for the particular department he is employed in are not in the least considered. All these arrangements are the fruits of selling places, not indeed directly for money, if so, the consequences would not be half so pernicious; but the mischief of it is, public employments, to which great salaries are annexed, are sold for the rights and privileges of the people. Apply to any minister upon the present system of government for a vacant office; and the question asked upon such application, will not be, Are you sufficiently qualified? but, Have you parliamentary interest? Are you in the house yourself? If not, Have you any influence in parliament? Can you secure doubtful votes? Can you lessen the weight and influence of opposition, or strengthen the hands of government? If you can command relations and friends to side with the ministry, who have great interest in the country, your application will succeed: if not, provided the corrupt wretches fear you, they will strain every nerve of politeness to gild the bitter pill of rejection. They will appear sensible of your merit, but will tell you, it is impossible to provide for all the men of merit, that this fertile kingdom produces; and that they cannot carry on the king's business, if they do not serve their particular friends.

Taking therefore the idea of the sale of places in its proper latitude, by which it will not be limited to a mere money transaction; I must beg leave, Sir, to point out to you from history, the fatal effects of a collusive disposal of the public offices of nations.

The most flourishing of the antient republics were supported by adhering to this true political maxim, "That the sale of offices is the greatest affront and injury that can be done to a commonwealth."

The Athenians, while any honesty remained amongst them, positively forbade by law any such dishonourable practices.

The Lacedaemonians, by observing the just laws of Lycurgus, against all fraud and corruption in the choice of magistrates, continued a most successful people for upwards of eight hundred years; but the moment they relaxed from this point, and suffered themselves to be bribed for their suffrages, a revolution of manners and policy took place, which in the end subverted their constitution. Agis and Lysander corrupted their citizens by their immense riches. Plain simplicity and honest truth gave way to flattery, pride, and affectation;

fection; luxury and effeminacy debauched their morals, and in a short time, from giving the reins to sensuality; their magistrates, elected partially by the friends of riot and dissipation, overlooked and secretly connived at the spreading of that venality which had advanced them to power; and though their neighbours had been ruined by the very course they were now running, the disease got ground, till at length the oppression which followed the introduction of bribery, became intolerable, and the liberty and honour of the republic expired at a breath, nor did the commonwealth itself long survive this fatal change.

The Roman commonwealth, when it was at the zenith of its glory, and its government esteemed the master-piece of human invention; severely fined those, who sought offices by bribery or favour, or took upon themselves public employments, for which they were not completely qualified. But when her intestine divisions, occasioned by the vices brought in from the foreign nations she had conquered, laid the foundation of her ruin, bribery was so common, and every form of corruption so familiar, that the taunting reproach of Jugurtha, who said, "that all things at Rome were to be had for money," did not affect them: though they had once been renowned for the justice and integrity of their laws, the soundness of their policy, and their attachment to public virtue. Thus, by degrees, her magistrates became treacherous, because they were put into office by the friends of tyranny and oppression; she sullied the glory of her former times, and was finally so enfeebled by her daily corruptions, that this famous republic, whose virtues had once made her the mistress of the world, had not power enough left to conquer her own vices. The dissoluteness of her manners gave her ambitious warriors an opportunity to erect the standards of tyranny. Could the citizens of Rome have withstood bribery, Cæsar and Pompey could have had no hopes of gratifying their ambition; but that door once opened, they soon managed affairs in the most summary way; that is, they strengthened their parties so well, that all oratory and declamation became useless; "they called for the question," assured of a majority to pass what votes they pleased, though ever so repugnant to the fundamental maxims of the constitution. Even the perpetual dictatorship, which in reality changed the form of government, though appearances were still saved, was carried in the senate, *nemine contradicente*; but from that hour the Romans became slaves; they sold their liberties, and soon after experienced all the calamities of the subjects of absolute monarchies. Their emperors made them suffer every indignity

nity degrading to human nature; which so dispirited the people, that they made but little resistance against the Goths and Vandals, who put a period to the grandeur, and extinguished the glory of this renowned empire.

It will not be necessary to enforce my argument by any greater authority than that of the fall of this republic, yet though we seem to be running the same race, there are not wanting a tribe of seducers who take up the pen in defence of their corrupt patrons, and would fain persuade us we are in no danger; but if Rome, with such a basis of public freedom and virtue, with all the advantages of a republican form of government, with such numerous counsellors of state, with souls so enamoured with liberty, were not able to stand against the force of foreign manners, and domestic opulence, the introducers of bribery and effeminacy; but fell a victim to corruption in the disposal of offices; how can we expect a milder fate? Intoxicated as we are with the vicious pleasures imported of late years, from a nation we have always affected to condemn; and governed as we are by influence; by votes strangely obtained; and by the most complicated system of policy, that ever entered into the brain of man to invent; that of surrounding the reigning prince with the immediate descendants or sworn friends and adherents of the pretender to his throne; and of constituting men of the most arbitrary principles to be the guardians of the laws, liberties, and privileges of a free people. But, Sir, the doors are shut; we are no longer to be admitted as auditors in the free British senate; this is an alarming circumstance, and if we are not content, we may very soon have our clamours silenced by an army of Irish papists. If there is not public virtue enough left in the nation to oppose these measures *effectually*, every man of honour and property, should take up his bed and walk, leaving the polluted land to the quiet and peaceable possession of the hopeful majority, who have already stopped our ears, and will certainly proceed to put out our eyes, if we attempt to see too clearly into their weak or wicked machinations.

Once more, Sir, permit me to remind you that we want Public Spirit, no man looks beyond himself, and the present day; we will talk and write, as long as they will let us; but we are afraid to die for the salvation of our country.

MENTOR.

To

To the P R I N T E R.

S I R,

The late Lords Anson and Egmont, having frequently and strongly recommended a settlement for our ships to touch at, in their voyages and expeditions to and from the South Seas, and our present disputes with the Spaniards, relative to Falkland Island, being at present the topic of all public and private conversation, I desire you will, through the favour of your excellent Register, lay before the public Lord Anson's motives (which the government have at last adopted) for attempting a British settlement in that part of the world.

I am, Sir, Your's, &amp;c.

NAVIGATOR.

*Lord ANSON's Opinion, &c.*

**A**S therefore it appears that all our future expeditions to the South Seas must run a considerable risk of proving abortive, whilst in our passage thither, we are under the necessity of touching at Brazil; the discovery of some place more to the southward, where ships might refresh and supply themselves with the necessary sea-stock for their voyage round Cape Horn, would be an expedient which would relieve us from this embarrassment, and would surely be a matter worthy of the attention of the public. Nor does this seem difficult to be effected. For we have already the imperfect knowledge of two places, which might perhaps, on examination, prove extremely convenient for this purpose; one of them is Pepy's Island, in the latitude of 47 deg. South, and laid down by Dr. Halley, about eighty-leagues to the eastward of Cape Blanco, on the coast of Patagonia; the other is Falkland's Isles, in the latitude of 51 deg. and a half, lying nearly South of Pepy's Island. The first of these was discovered by Captain Cowley, in his voyage round the world in the year 1686; who represents it as a commodious place for ships to wood and water at, and says, it is provided with a very good and capacious harbour, where a thousand sail of ships might ride at anchor in great safety, that it abounds with fowls, and that, as the shore is either rocks or sands, it seems to promise great plenty of fish. The second place, or Falkland's Isles, have been seen by many ships, both French and English, being the land laid down by Frezier, in his chart of the extremity of South America, under the title of the New Islands. Woods Rogers,

Rogers, who run along the N. E. coast of these isles, in the year 1708, tells us, that they extended about two degrees in length, and appeared with gentle descents from hill to hill, and seemed to be good ground, interspersed with woods, and not destitute of harbours. Either of these places, as they are islands at a considerable distance from the continent, may be supposed, from their latitude, to lie in a climate sufficiently temperate. It is true, they are too little known to be at present recommended as the most eligible places of refreshment for ships bound to the southward: but if the admiralty should think it adviseable to order them to be surveyed, which may be done at a very small expence, by a vessel fitted out on purpose; and if, on this examination, one or both of these places should appear proper for the purpose intended, it is scarcely to be conceived of what prodigious import a convenient station might prove, situated so far to the southward, and so near Cape Horn. The Duke and Dutchess of Bristol were but thirty-five days from their losing sight of Falkland's Isles to their arrival at Juan Fernandes in the South Seas, and as the returning back is much facilitated by the western winds, I doubt not but a voyage might be made from Falkland's Isles to Juan Fernandes and back again, in little more than two months. This, even in time of peace, might be of great consequence to this nation; and, in time of war, would make us masters of those seas.

And as all discoveries of this kind, though extremely honourable to those who direct and promote them, may yet be carried on at an inconsiderable expence, since small vessels are much the properest to be employed in this service; it were to be wished, that the whole coast of Patagonia, Terra del Fuego, and Staten-land, were carefully surveyed, and the numerous channels, roads, and harbours, with which they abound, were accurately examined. This might open to us facilities of passing into the Pacific Ocean, which as yet we may be unacquainted with, and would render all that southern navigation infinitely securer than at present; particularly, an exact draught of the West coast of Patagonia, from the Straits of Magellan to the Spanish settlements, might perhaps furnish us with better and more convenient ports for refreshment, and better situated for the purposes either of war or commerce, and above a fortnight's sail nearer to Falkland's Island, than the island of Juan Fernandes. The discovery of this coast hath formerly been thought of such consequence, by reason of its neighbourhood to the Araucos, and other Chilian Indians, who are generally at war, or at least on ill terms, with their Spanish neighbours, that Sir John Narborough

borough was purposely fitted out, in the reign of Charles II. to survey the Straits of Magellan, the neighbouring coast of Patagonia, and the Spanish ports on that frontier; with directions, if possible, to procure some intercourse with the Chilian Indians, and to establish a commerce and a lasting correspondence with them. His majesty's views in employing Sir John Narborough in this expedition, were not solely the advantage he might hope to receive from the alliance of those savages, in restraining and intimidating the crown of Spain; but he conceived, that, independent of those motives, the immediate traffick with these Indians might prove extremely advantageous to the English nation; for it is well known, that, at the first discovery of Chili by the Spaniards, it abounded with vast quantities of gold, much beyond what it has at any time produced since it has been in their possession. And hence it has been generally believed, that the richest mines are carefully concealed by the Indians, as well knowing that the discovery of them would only excite in the Spaniards a greater thirst for conquest and tyranny, and would render their own independence more precarious. But, with respect to their commerce with the English, these reasons would no longer influence them; since it would be in our power to furnish them with arms and ammunition of all kinds, of which they are extremely desirous, together with many other conveniences which their intercourse with the Spaniards has taught them to relish. They would then, in all probability, open their mines, and gladly embrace a traffick of such mutual convenience to both nations; for then their gold, instead of proving an incitement to enslave them, would procure them weapons, to assert their liberty, to chastise their tyrants, and to secure themselves for ever from the Spanish yoke; whilst, with our assistance, and under our protection, they might become a considerable people, and secure to us that wealth, which formerly by the House of Austria, and lately the House of Bourbon, has been most mischievously lavished in the pursuit of universal monarchy.

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*To the PRINTER of the POLITICAL REGISTER.*

S I R,

I have sent you the following piece of intelligence, with the copy of an essay on the subject of it, both very much at your service; and you may be assured you will please most of your readers by sparing them a place in the Political Register of this month.

Yours,

February 9, 1771.

PUBLICOLA.

Y.

To the HOUSE of COMMONS, on shutting their  
Doors, against their Constituents.

GENTLEMEN,

**Y**OU cannot be ignorant how ill it is taken by the people that the House of Lords is no longer open. Though that body of men is not of their own immediate creation, nor so intimately connected with them as you are; yet they cannot, without jealousy and suspicion, find its deliberations kept under the veil of the profoundest secrecy. Knowing that its resolutions affect their lives and fortunes, they think there is something ominous to law and liberty in concealing with so much industry the counsels which give these resolutions birth. If they are thus alarmed at the mysterious secrecy of an assembly, that is in a great measure independent of them, how much more must they be alarmed at any instances of inquisitorial proceedings in their own representatives? Knowing that despotism is sullen, dark, and secret, they will naturally conclude, that you dread the light, because your deeds are evil. They cannot conceive why you should adopt the dismal silence of the conclave, if your actions would bear public examination. It is in vain you alledge that you are afraid of too hot a house by the indiscriminate admission of strangers. While they confess the house to be too hot for you in the midst of frosty weather, they will deny it to be the effect of the crowd of men, but of arguments, with which you are plied by the minority. When national affairs are transacted behind a curtain, men are always apt to suspect the worst. Convinced that they are proper judges of their own concerns, and that therefore nothing should be kept from their view, they apprehend that their agents, for you are no more, have set up a separate and independent interest, which they are ashamed or afraid to disclose. What excuse then can you give for this measure? Do you mean that the people should be no longer a check on your conduct? As your original institution was intended for a controul on the crown, so the nation at large was in the formation of our constitution designed for a controul on you. But how can this controul ever take place, if your deliberations are confined within your own walls? If you allow that you are a representative, and not a self-existent body, you must allow that your constituents ought to be acquainted not only with the general conduct of the whole, but also with the conduct of every part, of every individual. Upon any other plan, how are the electors to know what men faithfully discharge, or villainously betray their trust? When you shut your doors, the question was, whether you are a created,



ted, or self-existent body? whether you are to depend on your own choice, or on the choice of the people? In such an essential point what could be more necessary than the publication of every member's opinion? It will now be impossible for the people to know who ought or ought not to be rejected at the next election. Was this the motive which induced some honourable members to propose this suspicious step? Perhaps they did not choose to see their speeches published? Were they to compose them, I should not be surprised at their reluctance. But, when that task is undertaken by a mass of letters, I own myself surprised at their want of taste and discernment. It brings to my mind the observation of Tacitus, *adeo virtutes eisdem temporibus optime aestimantur, quibus facillime gignuntur*. In my opinion no country can be properly called free, when public affairs are not publicly discussed. The national councils ought to be as open as the courts of justice. In ancient Rome, the forum, or public market, was the scene of disputation; and the senate itself was accessible to every man. Sallust speaks of the *januis clausis* as a phenomenon, as rare and monstrous as Livy's showers of blood and speaking oxen. So far were they from concealing their deliberations from the people that the most famous orators and patriots published the speeches which they delivered before the Senate. Cicero's orations will remain eternal proofs of this truth. How comes it that we are not allowed to hear what they were allowed to hear and read? The cause is evident. We are like the ancient Scythians, become slaves to our own servants. These sentiments I do not publish as my own, but as the language of the nation; for which, I hope, there is no just foundation.

#### GRACCHUS.

On Thursday the 7th instant before Sir G. S. moved in a certain club on an election matter, Sir J. T. one of L. B's Lords of the T. got up, and proposed, That, as there had been so lately a call of the club, and they were likely to be crowded, the room should be cleared. The standing vote of the room was accordingly read, and the S. at A. had authority to seize all strangers, and not to dismiss them without the leave of the club. Before the gallery was quite evacuated, some Irish members of a club on the other side of the water, were excepted, but very few remained behind; though the Hon. T. T. like a true Englishman, beckoned to them to resume their seats. The S. and the door-keepers were afterwards obliged to go several times, and to drag out a few persons who were unwilling to leave the gallery. After the  
room

room was cleared, Sir Joseph M. begged Sir J. T. if he was too hot, to pull off his great coat. Sir J. answered, that at present he felt no inconvenience from it; but when he did, he would take his advice. George O. who shewed himself such a dear old friend to Mr. Wilkes, got up, and discovered the same friendship for the press. He said, that as long as the news-papers published the debates, he would always move the club to take this step; that none but the club had a right to print them; and that this would shew whether any gentlemen of the club were concerned in writing them. Several members got up and said, that they were astonished to hear him make this motion that the writer, whoever he was, had greatly improved *his* speeches, and made them sense and grammar; that the impartiality which reigned throughout the speeches, evidently shewed, that they could not be composed by any man under the influence of any party; that no member would be so mean as to take the trouble of arranging the thoughts, or polishing the language of any man's speech but his own, &c. After these bickerings ended, Sir G. S. rose, and explained the nature and reasonableness of this motion, which he was going to propose. So regardless were the court members, of argument and eloquence, that tides of them poured out of the house, in order to go to dinner, while Sir G. was speaking with great force of argument and eloquence. A man of his weight and authority they treated as slightly as they had treated Mr. B. on the subject of the *Sp—*  
*p—s*. Counsellor L—e said to Lord C—re as he was coming out; "Fye, fye, my Lord, is the house too hot for you?" while he was shivering with cold, and thrusting his hands up in his great muff.

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#### S I R,

The following extract from that excellent system of politics, Lord Bolingbroke's Dissertation on Parties, seems so applicable to the present times, and to contain something even prophetic of what has already happened, and what, in all human probability, may soon happen, that I could not forbear transcribing it for the benefit of your readers.—I shall be the more easily pardoned for giving what is already written, as few discourses on political subjects, now-a-days, can boast such vigour of sentiment, such precision of argument, such energy of expression, and such knowledge of the English constitution.

I am, Sir,

Yours, &c.

"**L**ET us suppose our parliaments, in some future generation, to grow so corrupt, and the crown so rich, that a pecuniary influence constantly prevailing over the majority, they should assemble for little else than to establish grievances, instead of redressing them; to approve the measures of the court, without information; to engage their country in alliances, in treaties, in wars, without examination; and to give money without account, and almost without stint, the case would be deplorable; our constitution itself would become our grievance, whilst this corruption prevailed; and if it prevailed long, our constitution could not last long; because this slow progress would lead to the destruction of it as surely as the more concise method of giving it up at once. But in this case the constitution would help itself, and effectually too, unless the whole mass of the people was tainted, and the electors were become no honester than the elected. Much time would be required to beggar the nation in this manner. It could scarce be the work of one parliament, though parliaments should continue to be septennial. It could not be the work of a triennial parliament most certainly; and the people of Great Britain would have none to blame but themselves; because, as the constitution is a sure rule of action to those whom they chuse to act for them, so it is likewise a sure rule of judgment to them in the choice of their trustees, and particularly such as have represented them already. In short nothing can destroy the constitution of Britain but the people of Britain: and whenever the people of Britain become so degenerate and base, as to be induced by corruption (for they are no longer in danger of being awed by prerogative) to chuse persons to represent them in parliament, whom they have found by experience to be under an influence arising from private interest, dependents on a court, and the creatures of a minister; or others, who are unknown to the people that elect them, and bring no recommendation but that which they carry in their purses; then may the enemies of our constitution boast that they have got the better of it; and that it is no longer able to preserve itself, nor to defend liberty."

*Dissertation on Parties, p. 272, &c.*

TO THE EDITOR OF THE POLITICAL REGISTER.

SIR,

Your present plan of impartiality, I make no doubt, gains you a considerable increase of correspondents; and if you persevere

persist in it, must make your Register both generally useful and entertaining.

Having observed in a former volume some pieces reprinted from the public papers of the times, which do no great honour to Lord Mansfield in his political character, I must desire you will now do justice to the abilities of that great man, in his judicial capacity, in a case which affects the civil liberty of that very respectable and numerous body of his majesty's faithful subjects, the Protestant Dissenters, by preserving on your records his masterly explanation of the legal import of the toleration act.

The case was this. The city of London prosecuted Allen Evans, Esq; for refusing to serve the office of Sheriff; this gentleman pleaded his disqualification by the toleration act, being a dissenter, but was cast in the sheriff's court, and the judgment confirmed by a court of hustings; on which he brought a writ of error, which was argued before the court of delegates, who set aside the judgment of the sheriff's court, and the court of hustings. The corporation thereupon appealed to the house of lords, and the cause came to a hearing on the 4th of February, 1767, when Lord Mansfield made the following speech. The insertion of which in this month's Register will greatly oblige

Chelsea,  
Feb. 12th.

Your constant Friend,

ATTICUS.

*Lord Mansfield's Speech in the House of Lords, in the Case of the Chamberlain of London against ALLEN EVANS, Esq;*

*My Lords,*

**A**S I made the motion for taking the opinion of the learned Judges, and proposed the question your Lordships have been pleased to put to them; it may be expected, that I should make some further motion, in consequence of the opinions they have delivered.

In moving for the opinion of the Judges, I had two views: The first was, that the House might have the benefit of their assistance, in forming a right judgment in this cause now before us, upon this writ of error. The next was, that the question being fully discussed, the grounds of our judgment, together with their exceptions, limitations, and restrictions, might be clearly and certainly known, as a rule to be followed hereafter, in all future cases of the like nature: And this determined me as to the manner of wording the question, "How far the Defendant might, in the present case, be allowed

lowed to plead his disability in bar of the action brought against him?"

The question, thus worded, shews the point upon which your Lordships thought this cause turned; and the answer necessarily fixes a criterion, under what circumstances and by what persons such a disability may be pleaded, as an exemption from the penalty inflicted by this bye-law, upon those who decline taking upon them the office of Sheriff.

In every view in which I have been able to consider this matter, I think this action cannot be supported.

If they rely on the Corporation act; by the literal and express provision of that act, no person can be elected, who hath not within a year taken the sacrament in the Church of England; the Defendant hath not taken the sacrament within a year: he is not therefore elected. Here they fail.

If they ground it on the general design of the legislature in passing the Corporation-Act, the design was to exclude Dissenters from office, and disable them from serving. For in those times, when a spirit of intolerance prevailed, and severe measures were pursued, the Dissenters were reputed and treated as persons ill-affected and dangerous to the Government: The Defendant therefore, a Dissenter, and in the eye of this law a person dangerous and ill-affected, is excluded from office, and disabled from serving. Here they fail.

If they ground the action on their own bye-law; since that bye-law was professedly made to procure fit and able persons to serve the office, and the Defendant is not fit and able, being expressly disabled by Statute-Law. Here too they fail.

If they ground it on his disability being owing to a neglect of taking the sacrament at church, when he ought to have done it; the Toleration-Act having freed the Dissenters from all obligation to take the sacrament at church, the Defendant is guilty of no neglect, no criminal neglect. Here therefore they fail.

These points, my Lords, will appear clear and plain.

The Corporation-Act, pleaded by the Defendant as rendering him ineligible to this office, and incapable of taking it upon him, was most certainly intended by the legislature to prohibit the persons therein described being elected to any corporation offices, and to disable them from taking such offices upon them. The act had two parts: First it appointed a commission for turning out all that were at that time in office, who would not comply with what was required as the condition of their continuance therein, and even gave a power to turn them out though they should comply: and then it further

further enacted, that from the termination of that commission no person hereafter who had not taken the sacrament according to the rites of the Church of England, within one year preceeding the time of such election, should be placed, chosen, or elected, into any office of or belonging to the government of any corporation : And this was done, as it was expressly declared in the preamble to the act, in order to perpetuate the succession in corporations in the hands of persons well affected to the government in church and state.

It was not their design, as hath been said,\* "to bring such persons into corporations, by inducing them to take the sacrament in the Church of England;" the legislature did not mean to tempt persons who were ill-affected to the government, occasionally to conform; it was not, I say, their design to bring them in; they could not trust them, lest they should use the power of their offices to distress and annoy the state. And the reason is alledged in the act itself: it was because they were "evil spirits" amongst them; and they were afraid of evil spirits, and determined to keep them out: And therefore they put it out of the power of electors to choose such persons, and out of their power to serve; and accordingly prescribed a mark or character, laid down a description, whereby they should be known and distinguished by their conduct previous to such election, instead of appointing a condition of their serving the office, resulting from their future conduct, or some consequent action to be performed by them. They declared such persons incapable of being chosen, as had not taken the sacrament in the church within a year before such election; and without this mark of their affection to the church, they could not be in office, and there could be no election.

But as the law then stood, no man could have pleaded this disability, resulting from the Corporation-Act, in bar of such an action as is now brought against the Defendant; because this disability was owing to what was then in the eye of the law a crime; every man being required by the canon-law, received and confirmed by statute-law, to take the sacrament in the church at least once a year: The law would not permit a man to say, that he had not taken the sacrament in the Church of England; and he could not be allowed to plead it in bar of any action brought against him.

But the case is quite altered since the act of Toleration: It is now no crime for a man, who is within the description of that act, to say he is a Dissenter: nor is it any crime for him

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\* By Mr. Baron Perrot.

not to take the sacrament according to the rites of the Church of England : Nay, the crime is, if he does it contrary to the dictates of his conscience.

If it is a crime not to take the sacrament at church, it must be a crime by some Law ; which must be either Common or Statute-Law, the Canon-Law enforcing it depending wholly upon the Statute-Law. Now the Statute-Law is repealed, as to persons capable of pleading that they are so and so qualified ; and therefore the Canon-Law is repealed with regard to those persons. If it is a crime by Common-Law ; it must be so either by usage or principle. There is no usage or custom, independent of positive law, which makes Nonconformity a crime. The eternal principles of Natural Religion are part of the Common-Law : the essential principles of Revealed Religion are part of the Common-law ; so that any person reviling, subverting, or ridiculing them, may be prosecuted at Common-Law. But it cannot be shewn from the principles of Natural or Revealed Religion, that, independent of positive law, temporal punishments ought to be inflicted for mere opinions with respect to particular modes of worship.

Persecution for a sincere, tho' erroneous conscience, is not to be deduced from reason or the fitness of things ; it can only stand upon positive law.

It hath been said,\* that " the Toleration-Act only amounts to an exemption of Protestant Dissenters from the penalties of certain laws therein particularly mentioned, and to nothing more ; that if it had been intended to bear, and to have any operation upon the Corporation-Act, the Corporation-Act ought to have been mentioned therein ; and there ought to have been some enacting clause, exempting Dissenters from prosecution in consequence of this Act, and enabling them to plead their not having received the sacrament according to the rites of the Church of England, in bar of such action." But this is much too limited and narrow a conception of the Toleration-Act : which amounts consequentially to a great deal more than this ; and it hath consequentially an influence and operation upon the Corporation-Act in particular. The Toleration-Act renders that which was illegal before, now legal ; the Dissenters way of worship is permitted and allowed by this Act ; it is not only exempted from punishment, but rendered innocent and lawful : it is established, it is put under the protection, and is not merely under the connivance of the law. In case those who are appointed by law to register Dis-

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\* Mr. Baron Perrot.

sending places of worship, refuse on any pretence to do it, we must, upon application, send a mandamus to compel them.

Now there cannot be a plainer position, than that the law protects nothing, in that very respect in which it is in the eye of the law, at the same time, a crime. Dissenters, within the description of the Toleration-Act, are restored to a legal consideration and capacity; and an hundred consequences will from thence follow, which are not mentioned in the Act. For instance, previous to the Toleration Act, it was unlawful to devise any legacy for the support of Dissenting Congregations, or for the benefit of Dissenting Ministers; for the law knew no such assemblies, and no such persons; and such a devise was absolutely void, being left to what the law called superstitious purposes. But will it be said in any Court in England, that such a devise is not a good and valid one now? And yet there is nothing said of this in the Toleration-Act. By that Act the Dissenters are freed, not only from the pains and penalties of the laws therein, particularly specified, but from all ecclesiastical censures, and from all penalty and punishment whatsoever on account of their Nonconformity; which is allowed and protected by this Act, and is therefore in the eye of the law no longer a crime. Now, if the Defendant may say he is a Dissenter; if the law doth not stop his mouth; if he may declare, that he hath not taken the sacrament according to the rites of the Church of England, without being considered as criminal; if, I say, his mouth is not stopped by the law, he may then plead his not having taken the sacrament according to the rites of the Church of England, in bar of this action. It is such a disability as doth not leave him liable to any action, or to any penalty or punishment whatsoever.

It is indeed said \* to be "a maxim in law, that a man shall not be allowed to disable himself." But when this maxim is applied to the present case, it is laid down in too large a sense; I say; when it is extended to comprehend a legal disability, it is taken in too great a latitude. What! shall not a man be allowed to plead, that he is not fit and able? These words are inserted in the bye-law, as the ground of making it; and in the Plaintiff's declaration, as the ground of his action against the Defendant. It is alleged that the Defendant was fit and able, and that he refused to serve, not having a reasonable excuse. It is certain, and it is hereby in effect admitted, that if he is not fit and able, and that he hath a reasonable excuse, he may plead it in bar of this

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\* Mr. Baron Perrot.



action: Surely he might plead that he was not worth fifteen thousand pounds, provided that was really the case, as a circumstance that would render him not fit and able. And if the law allows him to say, that he hath not taken the sacrament according to the rites of the Church of England, being within the description of the Toleration-Act, he may plead that likewise, to shew that he is not fit and able: It is a reasonable, it is a lawful excuse.

My Lords, the meaning of this maxim, "That a man shall not disable himself," is solely this, That a man shall not disable himself by his own wilful crime: And such a disability the law will not allow him to plead. If a man contracts to sell an estate to any person upon certain terms at such a time, and in the mean time he sells it to another, he shall not be allowed to say, Sir, I cannot fulfil my contract; it is out of my power; I have sold my estate to another. Such a plea would be no bar to an action, because the act of his selling it to another is the very breach of contract. So likewise a man, who hath promised marriage to one lady, and afterwards marries another, cannot plead in bar of a prosecution from the first lady, that he is already married: because his marrying the second lady is the very breach of promise to the first. A man shall not be allowed to plead, that he was drunk, in bar of a criminal prosecution, though perhaps he was at the time as incapable of the exercise of reason, as if he had been insane; because his drunkenness was itself a crime, he shall not be allowed to excuse one crime by another. The Roman soldier, who cut off his thumbs, was not allowed to plead his disability for the service, to procure his dismissal with impunity; because his incapacity was designedly brought on him by his own wilful fault. And I am glad to observe so good an agreement among the Judges upon this point, who have stated it with great precision and clearness.

When it was said † therefore, that "a man cannot plead his crime, in excuse for not doing what he is by law required to do," it only amounts to this, That he cannot plead in excuse what, when pleaded, is no excuse; but there is not in this the shadow of an objection to his pleading what is an excuse, pleading a legal disqualification. If he is nominated to be a Justice of the Peace, he may say, I cannot be a Justice of Peace, for I have not an hundred pounds a year. In like manner a Dissenter may plead, I have not qualified, and I cannot qualify; and am not obliged to qualify; and you have no right to fine me for not serving.

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† Mr. Baron Perrot.

It hath been said †, that "the King hath a right to the service of all his subjects." And this assertion is very true, provided it be properly qualified; for surely, against the operation of this general right in particular cases, a man may plead a natural or civil disability. May not a man plead, that he was upon the high seas? May not idiocy or lunacy be pleaded? which are natural disabilities: Or a judgment of a court of law? and much more, a judgment of Parliament? which are civil disabilities.

It hath been said ‖ to be "a maxim, that no man can plead his being a lunatic, to avoid a deed executed, or excuse an act done, at that time; because, it is said, if he was a lunatic, he could not remember any action he did during the period of his insanity." And this was doctrine formerly laid down by some Judges; but I am glad to find, that of late it hath been generally exploded; for the reason assigned for it is, in my opinion, wholly insufficient to support it; because, though he could not remember what passed during his insanity, yet he might justly say, If he ever executed such a deed, or did such an action, it must have been during his confinement or lunacy; for he did not do it either before or since that time.

As to the case, in which a man's plea of insanity was actually set aside, it was nothing more than this: It was when they pleaded *ore tenus*; the man pleaded, that he was at the time out of his senses. It was replied, How do you know that you was out of your senses? No man that is so, knows himself to be so. And accordingly his plea was upon this quibble set aside; not because it was not a valid one, if he was out of his senses, but because they concluded he was not out of his senses. If he had alledged, that he was at that time confined, being apprehended to be out of his senses, no advantage could have been taken of his manner of expressing himself; and his plea must have been allowed to be good.

As to Larwood's case, he was not allowed the benefit of the Toleration-Act, because he did not plead it. If he had insisted on his right to the benefit of it in his plea, the judgment must have been different. His inserting it in his replication was not allowed, not because it was not an allegation that would have excused him, if it had been originally taken notice of in his plea; but because its being only mentioned afterwards, was a departure from his plea.

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† Mr. Baron Perrot.

‖ Mr. Baron Perrot.

In the case of the mayor at Guildford, the Toleration-Act was pleaded; the plea was allowed good, the disability being esteemed a lawful one, and the judgment was right.

And here the defendant hath likewise insisted on his right to the benefit of the Toleration Act in his plea; he saith he is *bona fide* a dissenter, within the description of the Toleration-Act; that he hath taken the oaths, and subscribed the declaration required by that act, to shew that he is not a Popish Recusant: that he hath never received the sacrament according to the rites of the church of England, and that he cannot in conscience do it; and that for more than fifty years past he hath not been present at church at the celebration of the established worship; but hath constantly received the sacrament, and attended divine service, among the protestant dissenters. And these facts are not denied by the plaintiff; though they might easily have been traversed, and it was incumbent upon them to have done it, if they had not known they should certainly fail in it. There can be no doubt therefore, that the defendant is a dissenter, an honest, conscientious dissenter; and no conscientious dissenter can take the sacrament at church; the defendant saith he cannot do it, and he is not obliged to do it. And as this is the case, as the law allows him to say this, as it hath not stopped his mouth, the plea which he makes is a lawful plea, his disability being through no crime or fault of his own: I say, he is disabled by act of parliament, without the concurrence or intervention of any fault or crime of his own; and therefore he may plead this disability in bar of the present action.

The case of "Atheists and infidels,"\* is out of the present question; they come not within the description of the Toleration Act. And this is the sole point to be enquired into, in all cases of the like nature with that of the defendant, who here pleads the Toleration-Act. Is the man *bona fide* a dissenter within the description of that act? If not, he cannot plead his disability, in consequence of his not having taken the sacrament in the church of England: if he is, he may lawfully and with effect plead it, in bar of such an action. And the question on which this distinction is grounded, must be tried by a jury.

It hath been said †, that "this being a matter between God and a man's own conscience, it cannot come under the cognizance of a jury." But certainly it may; and

\* *Objected by Mr. Baron Perrot.*

† *Mr. Baron Perrot.*

though

though God alone is the absolute judge of a man's religious profession, and of his conscience, yet there are some marks even of sincerity; among which there is none more certain than consistency. Surely a man's sincerity may be judged of by overt-acts: It is a just and excellent maxim, which will hold good in this as in all other cases, "By their fruits ye shall know them." Do they—I do not say go to meeting now and then—but do they frequent the meeting-house? Do they join generally and stately in divine worship with dissenting congregations? Whether they do or not, may be ascertained by their neighbours, and by those who frequent the same places of worship. In case a man hath occasionally conformed for the sake of places of trust and profit; in that case, I imagine, a jury would not hesitate in their verdict. If a man then alleges he is a dissenter, and claims the protection and the advantages of the Toleration-Act, a jury may justly find, that he is not a dissenter within the description of the Toleration-Act, so far as to render his disability a lawful one: If he takes the sacrament for his interest, the jury may fairly conclude, that his scruple of conscience is a false pretence when set up to avoid a burthen.

The defendant in the present cause pleads, that he is a dissenter within the description of the Toleration-Act; that he hath not taken the sacrament in the church of England, within one year preceding the time of his supposed election, nor ever in his whole life; and that he cannot in conscience do it.

Conscience is not controulable by human law, nor amenable to human tribunals. Persecution, or attempts to force conscience will never produce conviction, and are only calculated to make hypocrites, or—martyrs.

My lords, there never was a single instance from the Saxon times down to our own, in which a man was ever punished for erroneous opinions concerning rites or modes of worship, but upon some positive law. The common law of England, which is only common reason or usage, knows of no persecution for mere opinions; for Atheism, Blasphemy, and reviling the Christian religion, there have been instances of persons prosecuted and punished upon the common law; but bare nonconformity is no sin by the common law; and all positive laws inflicting any pains or penalties for nonconformity to the established rites and modes, are repealed by the Act of Toleration; and dissenters are thereby exempted from all ecclesiastical censures.

What bloodshed and confusion have been occasioned from the reign of Henry the Fourth, when the first penal statutes were

were enacted, down to the revolution in this kingdom, by laws made to force conscience. There is nothing certainly more unreasonable, more inconsistent with the rights of human nature, more contrary to the spirit and precepts of the Christian religion, more iniquitous and unjust, more impolitic, than persecution. It is against natural religion, revealed religion, and sound policy.

Such experience, and a large mind, taught that great man the president de Thou, this doctrine: Let any man read the many admirable things which, though a Papist, he hath dared to advance upon the subject, in the dedication of his history to Henry the Fourth of France (which I never read without rapture); and he will be fully convinced, not only how cruel, but how impolitic, it is to persecute for religious opinions. I am sorry, that of late his countrymen have begun to open their eyes, see their error, and adopt his sentiments: I should not have broke my heart (I hope I may say so without breach of Christian charity); if France had continued to cherish the Jesuits, and to persecute the Huguenots. There was no occasion to revoke the edict of Nantz; the Jesuits needed only to have advised a plan similar to what is contended for in the present case: Make a law to render them incapable of office; make another to punish them for not serving. If they accept, punish them (for it is admitted on all hands, that the defendant in the cause before your Lordships is prosecutable for taking the office upon him). If they accept, punish them; if they refuse, punish them; if they say, yes, punish them; if they say, no, punish them. My lords, this is a most exquisite dilemma, from which there is no escaping; it is a trap a man cannot get out of; it is as bad a persecution as that of Procrustes. If they are too short, stretch them, if they are too long, lop them. Small would have been their consolation, to have been gravely told, The edict of Nantz is kept inviolable; you have the full benefit of that Act of Toleration, you may take the sacrament in your own way with impunity; you are not compelled to go to Mass. Was this case but told in the city of London as of a proceeding in France, how would they exclaim against the Jesuitical distinction! and yet in truth it comes from themselves, the Jesuits never thought of it; when they meant to persecute, their Act of Toleration, the edict of Nantz, was repealed.

This bye law, by which the dissenters are to be reduced to this wretched dilemma, is a bye-law of the city, a local corporation, contrary to an act of parliament, which is the law of the land, a modern bye-law, of very modern date, made long since the Corporation-Act, long since the Tolera-

tion-

tion-Act, in the face of them; for they knew these laws were in being. It was made in some year of the reign of the late king, I forget which; but it was made about the time of building the Mansion-house. Now, if it could be supposed the city have a power of making such a bye-law, it would entirely subvert the Toleration-Act, the design of which was to exempt the dissenters from all penalties; for by such a bye-law they have it in their power to make every dissenter pay a fine of six hundred pounds, or any sum they please; for it amounts to that.

The professed design of making this bye-law, was to get fit and able persons to serve the office; and the plaintiff sets forth in his declaration, that if the dissenters are excluded, they shall want fit and able persons to serve the office. But were I to deliver my own suspicion, it would be, that they did not so much wish for their services, as for their fines. Dissenters have been appointed to this office, one who was blind, another who was bed-ridden; not, I suppose, on account of their being fit and able to serve the office: No, they were disabled, both by nature and by law.

We had a case lately in the courts below, of a person chosen mayor of a corporation, while he was beyond the seas, with his majesty's troops in America; and they knew him to be so. Did they want him to serve the office? No, it was impossible. But they had a mind to continue the former mayor a year longer, and to have a pretence for setting aside him who was now chosen, on all future occasions, as having been elected before.

In the cause before your lordships, the defendant was by law incapable at the time of his pretended election; and it is my firm persuasion, that he was chosen because he was incapable. If he had been capable, he had not been chosen; for they did not want him to serve the office. They chose him, because without a breach of the law, and an usurpation on the crown, he could not serve the office. They chose him that he might fall under the penalty of their bye-law, made to serve a particular purpose; in opposition to which, and to avoid the fine thereby imposed, he hath pleaded a legal disability grounded on two acts of parliament. As I am of opinion, that his plea is good, I conclude with moving your lordships,

That the judgment be affirmed.

The judgment was immediately affirmed, *nemine contradicente*; and the entry in the journal is in the following words:

*Die Mercurii 4. Februarii 1767.*

It is ordered and adjudged by the lords spiritual and temporal, in parliament assembled, that the judgment given by the

the commissioners delegates appointed to hear the errors in a judgment given in the sheriff's court, London, and affirmed by the court of Husting, reversing the judgment of the sheriff's court and court of Husting, be, and the same is hereby affirmed; and that the record be remitted.

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A CARD to the Printer of the POLITICAL REGISTER.

I Desire you will inform the public, that his present Lordship, Allen Lord Bathurst, had the honour to be particularly patronised and esteemed by the present Princess Dowager of Wales, immediately after her husband's decease. And that he was pitched upon, and discharged the office of teaching her Royal Highness politics; and that he was the man appointed to form her mind to the channel of measures and men now favoured; and to attach her to Lord Bute's embrio plans of men and government, then laid, and now so happily adhered to by her Royal Highness's fidelity. It is to this old friendship, we are indebted for the present Lord Chancellor, son of the said high-flying tutoring Peer Allen, who, no doubt, inherits all his father's high-flying principles of politics, and will be a worthy imitator of the Carlton-House plan of governing; and is a man after their's, and honest Mansfield's heart. By these men and principles we are governed, and a Stuart Mackenzie, brother of Lord Bute, who, when he was abroad, used to value himself, that the people in Italy esteemed him as a Monsieur Stuart, a relation of the Pretender, and his name sake.—*O tempora ! O calum !*

No SCOTCHMAN.

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To the Printer of the POLITICAL REGISTER.

S I R

THE many infamous transactions that have disgraced the open and secret administrations of Lord Bute, should be drawn together in one detached piece, that the whole nation might see, at one view, by what means the Tories and Jacobites of this day are endeavouring to undermine our happy constitution; and now to bring about by craft, what in 1715 and 1745, they could not effect by open violence. It is impossible to account for their conduct in any other way, than that of intending to render the King's government odious to the people, in order that the odium may be transferred to his person and family; thereby facilitating their scheme of introducing either the exiled and accursed race of Stuarts, or some other despotic Prince, who might effectually overturn the laws and

religion of this country, to make way for Popery, and its constant and necessary attendant Slavery. A cunning prelude thereto is the introduction of such numbers of Jesuits in all shapes, into this once happy island; and also the late resolution to employ Irish Catholics in the army. But surely they must be blind indeed who don't see that such soldiers cannot be bound by the strongest oaths, inasmuch as they may so readily be absolved for the breach thereof, and even canonized, if they destroy many hereticks. Yet, Sir, I trust their vile schemes are seen through, and will be soon defeated by the vigilance of those who wish well to, and would willingly hazard their all in defence of the laws of their country; knowing that this alone can render their possessions secure to themselves and their posterity, without which security possessions are of very little value. I hope, therefore, to see some one of your able correspondents take this hint, and could wish them to begin with the introduction of Bute and the Tory crew into Leicester-house; and particularly to the guidance of the then young and tender mind of the Prince of Wales. (from which period we may safely date our misfortunes) it may finish with the present most admirable convention; and I believe it will be found that every step they have taken hath tended directly to the furtherance of the grand project heretofore assigned to them. As I mean only a hint to those with whose leisure and abilities such an undertaking would be compatible, I have to beg you will insert this as soon as may be with convenience.

ANOTHER WHIG.

*To all Independent Landed Gentlemen within the Kingdom of ENGLAND.*

*Gentlemen,*

WITH the consciousness of a truly patriotic and disinterested principle, I call upon you, the natural guardians of this kingdom; to attend, if you are really your country's friends, and have spirit enough to endeavour to stem the torrent of oppression which seems to be overwhelming us on all sides, both from ins and outs, to a short proposal I have to make for our common benefit. I write with earnestness, and mean what I say. I am an independent country gentleman with no ambitious views whatsoever. I am not, nor in all probability ever shall be in Parliament, though I am owner of above fourteen thousand acres of land in this kingdom, which every one will allow to be a sufficient title.

I look upon the many evils Old England labours under at present, to be owing to the shoals of placemen, pensioners,

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merchants,



merchants, India adventurers, with which our House of Commons is stuffed brim full. The income of a private gentleman, who means to keep himself independant, is not sufficient to contend with one of these upstart gentry. It is not in our hands to stop the corruptions of the lower sort in elections; and it is vain to look up to the people in power for a remedy, while they reap a harvest of such substantial benefits from this unconstitutional, iniquitous traffic. Hence then there is no resource left for relief but in ourselves. We are the truest friends and best wishers to the real interests of this country. Let us then join hand and heart against the villains who are in, and those who are out of place. All political good or evil must spring from Parliament. Let us strike at the root; let us raise a fund from the superfluities bestowed on us by fortune, to keep out these worms who feed on the entrails of our country. Let each honest man, who has no party views, subscribe a certain sum of money liberally and freely; let the whole be vested in any public fund; let there be a certain number of respectable trustees appointed to manage this stock every year, and accumulate the interest; and whenever any one of the members of this society are in want of money to assist them, let it be in the power of a majority of these trustees to advance them such a sum of money as they think proper, according to the finances of the society. This seems to be the only scheme by which we can possibly regain our proper weight in the constitution. The burden of 4s. in the pound land-tax lies heavy on us now. Can we hope it will be again reduced? Is it not much more likely it will still be raised higher, when the imperious pilot at the helm blushes not to declare, that the murmurs of a few landed gentlemen are too insignificant to be hearkened to or regarded. When this is the language, it is high time to exert ourselves. If there are in this kingdom a sufficient number of commoners of independent fortune and character, who approve the proposal above, and will send in their names to the printer, I will be ready to meet them immediately on my country's business, and will be the first to subscribe a sum of money suitable to my rank and circumstances.

PRO PATRIA.

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*To the Right Hon. Lord Viscount B——.*

My Lord,

**I** Know the slight impression made on your heart by every term that reproach can stigmatize you with. Unheeding of the violences you commit on the constitution of your country, how can it be hoped that any particular body of men

men in it should induce you to interest yourself in their behalf? The pliant tool of a minister, you permit his mandate to supersede every consideration of duty; instead of protection, you substitute oppression. If you glossed your motives of opposition to the application of the subalterns on the half-pay list in the army, with the specious pretext of avoiding the expence that it would be to the nation, how does it happen, my Lord, that you did not remain uniform in this patriotic sentiment? in the last promotion why did you not ease the half-pay list, by appointing all the officers from that list to the additional companies? Did the interest of Lord North require this new bribe to his friends in the H— of C— to purchase their voice of approbation of his dishonourable infamous convention? Even suppose this to have been the case, are the officers on the half-pay list so abandoned by their friends, that they have not any to apply for them; or knowing the terms on which they are to be obliged, does their virtue prevent an application. To speak to your Lordship on the score of duty, would be whistling to the wind? The only guide of your conduct is your interest, and you have often proclaimed to the world by your actions there is not any thing base or infamous, but it will urge you to execute. With what effrontery dared you to pronounce that infamous reflection in the H— of C— on the whole corps of general officers, and, from what experience do you found your opinion? the general officers cannot err in their opinion of your Lordship; but it requires a little more knowledge than you are possessed of to judge of them. And the H— of C— must, if possible, be worse than they are represented, if aught that you can utter will influence their opinion. But my Lord, after this insolent attack on the general officers, it cannot be wondered that you continue your injustice to the subalterns, I cannot penetrate into your Lordship's views; perhaps your aim is to make them desperate, to drive them into foreign service, no matter where, so you are clear from their solicitations. Their virtue will frustrate this hope. Were it not for that, your insolence in office would have urged them to offer the following prayer:

Spirit of immortal Coriolanus—insufe into our souls your own feelings of your country's ingratitude—inspire us with revenge, such as thine, and root from our remembrance every bond of natural and patriotic affection; nerve our arms with strength to plunge the sword, sharpened by our wrongs, deep into the bosoms of those who have dared to offer them, nor let the throne protect the offender. On the guilty head fall the revengeful blow, and in this sacrifice

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justice,

justice, be the greatest, the first devoted victim. Give us associates, great avenger of thine own wrongs, to tear from ~~England~~ the honours with which we have crowned her; and strengthen our firm minds in this attempt; till like your own Rome, we shake her foundations, or sink her into eternal ruin. Amen."

Meek-eyed Patience, my Lord, is a soldier's virtue; you afford us opportunities to put it into practice; by that virtue we are filled with submission and love to our King, nor have we one idea that revolts against our attachment and resolution, to defend him against every foe; but we have the most lively hope of soon seeing the measure of your iniquity full, and that you will make an expiation on Tower-hill for all the undeserving ills that you have heaped upon us; and when that happy period to this country shall arrive, our hopes are still enlarged by the fullest confidence, that we then shall become objects of royal attention. I shall speedily, my Lord, address to you another epistle, in which I shall shew the injury that you have done your country, by increasing, instead of diminishing the expences of the people.

COILES.

#### PAPERS relative to the SPANISH DECLARATION.

*A DIALOGUE between an Englishman and a Spaniard.*

*Eng.* **W**HAT an excellent agreement have you drawn us into! You took an Island from us by force and open hostility, put us to an immense expence in military preparations to do ourselves justice, and then have made up the matter with us, by giving us a declaration, which is no sort of satisfaction.

*Span.* I have made you more satisfaction than I was empowered to do, or than I wish I had done.

*Eng.* More satisfaction! Sir! why, you have made us none at all. Your Declaration is rather a fresh insult upon the British Crown, than any reparation for the dishonour you had done it.

*Span.* Is not a disavowal of Mr. Bucarelli's taking that Island a prodigious condescension in the crown of Spain; is it such a condescension, Sir, that neither the intreaties, nor the threats of your Minister, should have prevailed upon me to have granted, had it not been for the overbearing influence of France, and for which I may probably be made to answer.

*Eng.* How can you call a disavowal of Mr. Bucarelli's taking that Island, a satisfaction to the Crown of Great-Britain;

tain ; when, at the same time, you insist upon your right to it, and consequently to take it again at a fitter opportunity ?

*Span.* Is not a disavowal of the taking that Island, to which we know we have an undoubted right, a greater condescension and satisfaction, than if we had not such right ?

*Eng.* But, Sir, we positively deny you have any such right; and your insisting upon it in your Declaration that you have, hath left the door open for a future quarrel on that occasion; and which we suppose you will begin, as soon as France shall be ready to back you in it.

*Span.* You may suppose what you please, we are not to answer for your suppositions. Our right to that Island is just and well known to the whole world; and you yourself have in part admitted it, by leaving it open to a future discussion.

*Eng.* This is a fine satisfaction truly ! You could not prevail upon France to join with you in a war against us at present, and being sensible of your inability to contend with us alone, you have consented to give up the place, but at the same time have insisted upon your right to it. By which, it is very apparent, you intend to assert your right to it, and commence hostilities again, as soon as France shall be in a condition to support you in the war. And can you think, Sir, that this is maintaining the honour of the British Crown ?

*Span.* It was not my business to maintain that ; it is enough for me, if I have supported the honour of the Crown of Spain.

**T**HOSE who have been witty on the words *disallow* and *disavow*, do not seem to know their signification and very different tendency. They are exceedingly mistaken in thinking, and unlucky for rejoicing, at our *wisdom* in preferring the latter. It will evidently appear, from what I shall say, that we should have rejected *disavow* as very incompetent, and insisted on *disallow*, as being better adapted to the injury we have received, and better calculated to procure us justice.

*Disavow* is to disown, to deny a knowledge of, and, of consequence, a consent or concurrence to an action, which, by throwing the blame intirely on another, excuses the satisfaction required; for neither men nor states ought, in reason, to give satisfaction for an act (though never so injurious) which was not their own, and in which *we allow* them to have had no hand nor design. The satisfaction is then to be required of the offender; and if he be incapable of giving a satisfaction adequate to the injury, all acknowledgement of

error and restitution is all that either reasonable men, or civilized states, can or ought to require. This seems to be the case of Falkland's Island, of which we were dispossessed by the Spanish Governor, without the knowledge, consent, or concurrence of the King his master. Nothing could be more lucky for that Monarch, than to put it upon this footing, as it fully answers his purpose, by excusing his giving the English any other satisfaction, than a *bare* restitution. This excuse must be admitted, and we must be precluded from every demand of injury done us, after allowing, by words of our own choice, that he had no hand in it, nor no knowledge of it; for he can only return what was taken without his concurrence.

To *disallow* has a very opposite meaning, and is infinitely more advantageous to the injured party, as it not only acknowledges the thing complained of, but also the injury done. To *disallow*, implies a sense of *impropriety* of conduct, an acknowledgment of its being *wrong*, that it is *repugnant* to the principles of reason, honour, and justice; that reparation is due, and should follow the acknowledgment of the injury, in proportion to the nature of the transgression. We should therefore have chosen this word, as strictly suited to our purpose; for if the Spaniard had been brought to say he *disallowed* of the conduct of the Governor, in dispossessing the English, he would have given the world to understand, that it was a wrong step, by which the English had been injured. He would have been brought to confess, that whatever measures had been taken, and by whoever they might have been concerted and carried into execution, it was wrong and unjust, and that full satisfaction and reparation was due, and ought to be given to the offended party. In short, *disallow* would have been a confession of error, and an obligation to do justice. It would have been exactly descriptive of our case, and the people's just sense of it. Both which points (error and obligation) being the truth, we should have insisted on them by the single word *disallow*, the happy effects of which we have lost, nay, wilfully thrown away, by substituting *disavow*; which, by excusing the Spaniard, totally destroys our right of complaint, and our title to any pecuniary satisfaction; since, by Spain's not owning a knowledge of the conduct of his subjects in this matter (which could not be denied after so many proofs, and four months public acknowledgment of it) fully excuses, and our acceptance of the expression has wholly excused Spain's giving England any other satisfaction, than a  
*bare*

bare restitution of what had been in so public and so disgraceful a manner taken from us.

If, therefore, those who have wit, were to reflect on the signification and tendency of words, they would be convinced that the difference between *disallow* and *disavow* is too great and too much to our prejudice, to be made a joke of.

#### ANTI-CORIOLANUS.

SIR,

**A**T a period when we are about to give up our liberties; when the honour of the English flag is insulted, and yet still "cheated with a shew of freedom," it may not be incurious to recur to the proceedings of a neighbouring kingdom in the last century, on a similar occasion; a kingdom, however little and mean we may think of its spirit and laws, has occasionally exerted itself (both in its Parliament and the people at large) with a manliness and perseverance that discredit the favourite children of Magna Charta.

In the reign of Lewis the XIVth, the Genoese had sold bombs and gunpowder to the Algerines, and were building four gallies for the service of Spain. The King, by his Euvoy, Saint Olon, who was a private gentleman, commanded them not to launch those gallies, under pain of disobedience to his will. The Genoese being incensed at this outrage on their liberties, and depending too much upon the assistance of Spain, refused to comply. On this refusal, fourteen large ships, twenty gallies, ten bomb vessels, and several frigates, under the command of *Seignelai*, son to the famous *Colbert*, Old *Duquene* and the Duke De *Mortemar*, arrived before *Genoa*. The ten galliots threw fourteen thousand bombs into the city, and soon reduced to an heap of ruins most of those marble edifices that had gained *Genoa* the surname of *Proud*. The bombarded, too late convinced of their error, sued for peace, and offered any terms, none of which would reconcile the French King, except the Doge of *Genoa*, and four of the principal Senators should come, and implore his clemency at his palace at *Versailles*; and to prevent the Genoese from eluding this satisfaction, or depriving him or his *Crown* of any part of their glory, he declared that the *Doge*, who should be sent to beg his pardon, should be continued in his dignity, notwithstanding that perpetual law of *Genoa*, by which the Doges are deprived of their dignity, whenever they absent themselves a moment from the City.

*Impe-*

*Imperiale Lescard*, Doge of Venice, with the four Senators, *Lomelino*, *Garebardi*, *Durazzo*, and *Salvago*, accordingly came to Versailles, and made the King the satisfaction he demanded. The King gave them audience seated on his throne, and whilst the *Doge*, in his ceremonial habit, *uncovered*, with the rest of the Senators, made a speech full of repentance and submission. The memorable reply of the Doge (who was a man of great wit) to the Marquis of *Seneglai*, when he asked him, what he thought the most extraordinary at Versailles, is generally known: "What appears most extraordinary to me (said Lescard) is to see myself here."

Such has been the conduct of the French Monarch in the year 1684! What has been the conduct of the British Ministry in the year 1771?

VENTIDIUS.

*Copy of a letter from a Sailor at Spithead, to his sweetheart in Wapping, Feb. 1.*

DEAR DOLLY,

THIS with my kind love to you, I sends to inform you, as how I am afraid, I shall be worse than my word to you, and which you knows I never was before. I promise to fill your pockets, when I came home, with Spanish dollars; and I am sartain I should have done it, had it not been for a d—n'd North wind, that will not suffer us to sail. O Dolly! the dollars are gone—and I fears into the pockets of those that wont let us fight. We are told here, that the Dons have promise to give our King (God blefs him, and send him good council) his Island again, but won't own he has any right to it. I wish his Majesty had left the matter to us; we should soon have given him his Island again, and his right too, and money into the bargain. But to return him his Island, and refuse to own his right to it, is what we sailors don't understand. O Dolly! I fears as how his Majesty is betrayed by false-hearted men, who gives up his honour for their own gain.—Z—ds! I could wish we had 'em aboard, we'd give 'em a round dozen. All our hopes now is, that such a d—n'd agreement, as gives the Island, and denies the right, cannot hold long; and then, dear Dolly, I shall sartainly fulfil my promise to you, and stuff all your pockets with dollars. Who am,

Dear Dolly,

Your's till death,

BROADSIDE.

*anecdotes, which may serve to explain a late Resignation, and is  
very extraordinary Declaration:*

**L**ORD W——, out of patience in sending a declaration (fabricated by the Carlton-House Junto) repeatedly to M——, during the space of four months, and receiving back either equivocal answers, or absolute refusals, determined to order Mr. H——, the English secretary there, to leave the court of M——; which being known to the Junto, the K—— expressed great dislike to the measure, and the Secretary Lord W——, in consequence, resigned. Mr. H—— did leave M——, and was, and probably is, at present at Lisbon, in his way to England. When the Junto found there was no way left to prevail upon the king of Spain to sign their Declaration, they were in the utmost despair, and had recourse to Old Reynard, imploring his aid and advice: he agreed to send his hopeful Young Cub to Versailles, who, he said, 'fortunately for this nation, had made acquaintance, at the gaming-tables, with the Count de Barré, and by that channel there was a probability of getting to the ear of the FRENCH MONARCH, and of engaging him to take a warm part in the business.' But, in order to pave the way—~~who~~ advised, 'that five thousand guineas be immediately issued from the Tr——ry for the Count, and a rich diamond necklace of more value be purchased for the Count de Barré.'—Furnished with these proper materials, the Young Cub set forward for Versailles, accompanied by another young Adventurer, equally famous for his exquisite modesty.—An audience of the French king was obtained; and the English ambassador, Lord H——, was ordered to attend his Majesty at midnight, who was asked, when the parliament of England would assemble: he answered, on the 23d of January. The French monarch (being properly prepared) expressed a concern that his Brother, the King of Spain, had refused to sign the Declaration; but said, 'as he understood his good brother of England, earnestly wished for peace, upon any terms, and as he was in the same sentiments, he would undertake for his Brother of Spain, and order his ambassador at the Court of London to settle the business with the Prince Masserano.'—Couriers were dispatched in consequence by the several parties, and a grand conference was immediately held upon their arrival here, between the English ostensible ministers, the Spanish Ambassador, and Monsieur François, Ambassador Plenipotentiary from the



King of France, but without success, Prince Masserano positively refusing to sign, alledging that he had positive orders from the King his master to the contrary.—M. Francois then asked if he would sign, upon an indemnification being given him by the King his master?—at this the Prince hesitated—and M. Francois wrote him a letter upon the subject; this was returned, as not properly strong; and likewise a second; a third letter, however, had some effect, though he still persisted in his refusal.

On Sunday the 21st of January, the Count de Guynes gave a dinner at his house in Great George-street, to which all the Foreign and English Ministers were invited;—all, except those of France, Spain, and England; were above stairs—these remained in the lower apartments till six o'clock, in close conference, nor was the dinner served up till that time. Prince M——, notwithstanding all their efforts, remained firm, and absolutely refused signing the declaration; nor did he sign it, until the twenty-third (shedding tears at the same time.)—What arguments or means were made use of, at last, to induce him, the writer has not, as yet, been able to learn; but the public shall be informed the moment he is. It is however certain, that two days after he had signed this famous declaration, he received orders from the King of Spain his master to return home, without taking the usual leave of the court—a most incontestible proof that the King of Spain was totally unacquainted with the negotiation, and that it originated and ended at London or Versailles, or Versailles or London.

### To the PEOPLE of ENGLAND.

I Cannot help thinking that almost the only internal source of disorder in a free country is suffering the *Passions of Men* to enter into *affairs of Government*. If this be once permitted, a continual struggle between Prince and People must ensue, because the nation sees that government (a sacred trust) is not administered for *their* advantage; that *private personal* considerations influence the exertion of that power, which can honestly be directed only to *public national* objects. A King may indulge his passions in private; and preserve the confidence and affections of his subjects, by always acting *at home* as the laws, *abroad* as the interest of his kingdom shall dictate: On the contrary, a less able prince may be a saint in domestic life; yet if his *public* conduct be guided by *partial* views,

riens, he never can govern Great Britain with ease, with dignity, or even with sufficient power.

We may apply these reflections to the present condition of our country. We hear it is said, "His present Majesty possesses many virtues: Satisfied of his general good intentions, why should we regard trivial errors, or even particular abuses? why all this noise and clamour, as if a regular design was formed for the subversion of public liberty?" Some men may be misled by such reasoning, may, like our present Judges, desirous of augmenting, actually lessen the power and authority of government by increasing the jealousy of the people; during the present reign many laws, beneficial to liberty, have been supported by the Court, but the effect of these has been lost, because the administration of government has not appeared uniform and consistent. We have seen the power of the crown exerted from *private* motives to the oppression of an individual: Whatever public crimes he had committed, the laws were sufficient for his punishment: He was convicted by a jury of a libel against the first magistrate. *Personal* regards stimulated the prosecution, and the laws of the country were violated: His papers were illegally seized, and his house ransacked to furnish fresh matter of accusation. The Votes of both Houses of Parliament, prosecutions in courts of law supported by money from the public Treasury; in short, the whole power of the state was directed against one man.

These measures awakened the jealousy of the people, who justly thought that if *one Man* could be oppressed, *no Man* would dare to oppose; yet when the *Illegality* of these proceedings were pointed out, and redress was sought by law, public justice was delayed by privilege of parliament, given for *very different* purposes. This could not be regarded as a *private* injury, because it was supported by the *public* money.

A general ferment ensues, with its natural effects, discontent, tumults, and contempt of governors, who had abused their power. In this state of mens minds, Mr. Wilkes, who had fled and been outlawed, returns, and tho' neither admitted nor beloved, is chose Representative for Middlesex. His outlawry is reversed; he is *legally* sentenced to imprisonment for two years, and the general dissatisfaction gradually subsides. In the midst of this calm, to the astonishment of all mankind, a motion from the Treasury Bench is made to expel him. The electors continue obstinate, and a question of the last importance is agitated without cause, and decided against the people by the sole influence of the crown.

The

The nation becomes sullen and discontented. Daily invectives are published. At length a paper appears, in which the whole government of our King from his Accession is arraigned with much indecent passion, and even designs against the public liberty imputed to parliament with a licentious freedom; prosecutions are commenced, yet jurors, men of rank, character and fortune, acquit the defendants. Our Judges, children in political knowledge, and ignorant of mankind, but wishing, probably from honest motives, to strengthen the hands of government, devise new modes of trial, as if it were possible to appease the nation by accumulating injuries, by robbing them of the TRIAL BY JURY, that sacred guard of all our rights, our fortunes, lives and liberties. Thus, as in former times, one violence makes another necessary, at least furnishes an excuse for it to the author; while the just medium is imperceptibly relinquished by all. Nothing can now restore peace to us at home, or give vigour to our counsels abroad, but a very different conduct in our first Magistrate. Let him lay aside the little passions of the man, and remember that he is a King: A King of Great Britain, who should think and act only as the laws of his country dictate.

In my subsequent Letters I propose to treat this subject more at large and point out the probable consequences of misrule: In doing which I hope to prove, that the *Laws* have invested the people with sufficient powers to bring even Parliaments to reason, without having recourse to violent remedies.

A WHIG.

To the Right Honourable L—M—d.

*Fixit leges pretio atq; refixit  
Vendidit hic auro patriam.*

VIRG.

MY LORD,

THERE was a time when you confined yourself to the duties of your office as a J—e; when you left the political government of this country to those in whom it was by office constitutionally placed. Then your charges from the bench were received with respect by our juries; your decision carried the force of a law; and your person was treated with the veneration which is due to the high office you hold in the State.

But when, unfortunately for this country and yourself, the government of it fell into the hands of men, who had neither the

the confidence of the people, nor abilities to support them without it; wherever genius was supposed to reside, artful sophistry to inhabit, or fertile villainy to have taken root, the possessors of those qualities were called forth, caressed by administration, and loaded with offices, however heterogeneous in their nature. Your L—p, among the rest of the motley crew, by a metamorphosis more strange than any related in *Quixote*, became a politician.

Our history abounds with numberless instances of ministers being made from the members of your L—p's profession, but, as if nature had precluded them from success in such kinds of appointments, the events have ever proved ruinous to themselves, and fatal to their country. Witness Empson, Dudley, Bacon, Jeffries, &c. In short, the rule is almost without an exception. It must be ever so.

By our establishment, judges are assured of their offices, while in their proceedings they commit no violence against the constitution; which they can have no temptation to do, so long as they avoid any political intercourse with our ministers; but when the *auri sacra flammæ*, the *imperii potens* lay hold of them, and a corrupt ministry throw out the lure, farewell impartiality, farewell integrity, and every other virtue. The judge's occupation's gone!

To propose to a judge to interfere in ministerial proceedings, indicates at the same time corruption in the proposers, and an infamous opinion of the party addressed. None but an abandoned and despised ministry need a perversion of the laws to screen them from justice. None but a judge of that stamp is capable of assisting them.

There is not an officer in this kingdom capable of bringing about its ruin so speedily and effectually as a ministerial judge. Timidity, a quality generally found in men of sedentary lives, will lead him into pacific measures, even when the enemy are at our gates. This way we fall a sacrifice to the invader. Or if by the bravery of our forces we should escape that evil, we fall into a greater, our excellent constitution becomes a prey to silt over the rank corruption of a set of villains.

Yet, my L—d, there is hope for this nation, not in your reformation, for you are grown grey in the practice of vice. Those fine subtil spirits, by whose operation in the human body, it is said, thoughts are engendered, have with your L—p been so long accustomed to flow in one certain direction, that I am afraid no power on earth will ever be able to alter their course [there may be a way of stopping them].

I say

I say, my lord; there are no hopes from your reformation, but much may be expected from the declining state of your abilities, which indeed never were equal to the reputation the world once gave you for them; otherwise how could John Wilkes have foiled you on the bench; how could he have brought you forth a culprit, pleading for yourself in the very place where you were dignified (however unworthily) with the power of trying offenders. You were overpowered — for a moment conscious virtue struggled to gain admission to your breast, but, nothing being found to cherish it, retired. In an instant, persecution, sophistication, attachment, resumed their seat in your mind. J. W. retreated to the King's Bench maugre your lordship, and your Lordship to study Star-Chamber Doctrine, maugre the reiterated complaints of an injured people.

This is not the only instance of your L——p's failure when opposed to great abilities. Your L——p has refused to debate on a most interesting question (when you ought as a J—e and L—d of P——t to give your opinion; you refuse; when you ought not to give your opinion, too ready;) telling us, your opinion shall be buried with you. I believe there are very few who wish the event to be delayed. Though with respect to the interment of the opinion, I am apt to think it of so flimsy a nature, that, like the grave-diggers corpses in Hamlet, "It will scarce hold the laying in." I omit mentioning your declining the debate on the question relating to Juries, because it is said you intend to take up the challenge at the next meeting of parliament. Prepare yourself. You have men to encounter more terrible to you than fiercest tygers or the roaring sea. Be firm. Avoid that hesitation, that agitation, that perspiration, that shuffling of the wig: they are actions, my lord, very unbecoming in a great orator, however hard pressed. If you cannot argue justly, argue gracefully at least. I have many other things, my lord, to say to you, but I believe your L——p will think this enough at one time. Very soon you shall have the rest.

I am, with great respect,

Your L——p's most obedient Servant,

PRO-REGE.

## AN IMPARTIAL REVIEW OF POLITICAL WORKS.

*Letters concerning the present State of the French Nation, with a complete Comparison between France and Great Britain—continued—See our last number, p. 113.*

**A** Greenable to promise, we take up the topic of PUBLIC CREDIT, the most important subject in the line of comparison drawn between the two nations, by our adventurous author. We should be glad to declare that the whole of what he advances on this head, is consistent with some very judicious remarks, which shew that he has taken great pains to acquire information with respect to the general opinion, or idea most commonly formed of the consequences of our national debt: but he has attended only to one side of the question, having probably never read the very few, but excellent writers in support of our PUBLIC CREDIT.

He acknowledges that the funding system established at the Revolution, has given Great Britain a superiority over France, notwithstanding France is, in his opinion, by far the richer of the two kingdoms, in point of natural wealth. He confesses, that by means of our national credit we are enabled to raise armies out of stone; says that England has nothing to do but to stamp with her foot, and Pompey's legions spring up at her command. That by this resource she carried on an almost perpetual war, from 1688 to 1714, at a prodigious expence, and without burthening the subject, breaking thereby the power of France, the greatest share of which she secured to herself by means of trade. Yet he pulls to pieces this visionary, this ethereal building, as he terms it, which has done such great things for us: heartily congratulating France on the want of that *credit*, on which he had bestowed such eulogiums. Led away by the great names of our own authors upon this subject, he adopts their errors concerning the consequences of our national debt, and supposes the necessity that will sooner or later arrive of abolishing the whole, by an act of the legislature, to be deducible from the intolerable burthen of the taxes imposed for the payment of the annual interest of the present funds, and what may be created in future wars.

We shall follow him through all his arguments that are of any weight, and endeavour to refute them when they misrepresent either the state of our public credit, or its consequences.

“ The

" The paper specie of England is not current abroad, though it is at home, consequently all subsidies, and military expences, drain the kingdom of its cash, and leave paper behind for its domestic business—and as stock jobbing is so wonderfully profitable to those who have ready money, no great stocks of plate or jewels are kept in private hands; but in France the thing is different, if they did not possess those valuables, they could not turn the money to ready advantage, which is a vastly greater inducement to keeping them, than can exist in England.

" The paper currency alone, of the latter, amounts to three hundred and fifty millions sterling, including the national debts: the whole may even be called *really* current, because it is as easily transferrable from one person to another, as gold itself—there is no difference in this respect between public bonds and bank notes, any British subject will take one as readily as the other.

" With such an unbounded profusion of the signs of wealth at home, it may easily be conceived that the small proportion of cash should be constantly draining away to foreigners, especially in a continental war, that cost them above six millions a year; whereas in a kingdom where signs cannot be substituted for realities, the domestic calls *must* be paid in cash as well as foreign ones, and this necessarily keeps the coin of a state at home. Bank notes, &c. in England, are received by all kinds of people without the least hesitation when money is plentiful, as in time of peace; even by the government, and in time of war even the subscriptions to the public funds are made in them, otherwise, how can it be supposed that England could in one year raise eighteen millions sterling, a sum greater than all the current coin in the kingdom. And it is this universality in transacting every thing in paper money at home, that keeps the current cash so low.

" That it is low there is abundant proof: During the war silver was amazingly scarce in England, and likewise money in general. In the large manufacturing towns, it was perfectly well known (and accounts were particularly published of it at Birmingham) that cash was so excessive scarce, that a prodigious difficulty was found to change paper currency—Very good bills, within a fortnight of being due, ran at a discount of two and an half *per cent.* and even bank notes at a discount of one half *per cent.* Even two *per cent.* on bank notes, was a common discount in some places, whose corn trade was alone considerable; for the farmers being obliged to be paid in cash alone, the difficulty was the more felt, while the merchants receipts being large, were all in bills."

In

If the first place it is necessary to rectify a very great mistake of this author, which we are wholly at a loss to account for : though subsidies and military expences have usually been paid in cash in time of war, especially in Germany, yet our paper currency was even then current upon the exchange of Amsterdam and in many parts of Europe, both in commercial transactions, and in the common affairs of life. A factor could purchase merchandize in Holland, and pay for them in bank notes ; a traveller might have exchanged them at the par of exchange for current coin of the country ; but even supposing them to have paid a small discount, if they were always readily taken on the footing of good bills at sight, and thus immediately convertible into money, it cannot with any propriety be said, our paper specie is not current abroad.

It is indeed a most melancholy reflection, that the last continental war cost us such an enormous sum annually : unless lord Chatham's assertion be true, that we conquered America in Germany : If this was the happy consequence of our being drained of our cash, no man who understands the true commercial interests of Great Britain, which depend on the prosperous state of her colonies, will consider this as an evil consequence of our public credit. The Portugal gold, which regorged in London before the subsidy treaty with the king of Prussia, and the sending an army to Germany, was paid away on advantageous terms ; and people at home who were harrassed with having all inland bills accepted payable only in Portugal pieces, soon found, after these were vanished, that there was no want of guineas for circulation in domestic concerns. What proof then does this change in the money-transactions of that period furnish for our author's assertion, that our current cash is very low. If, after sending six millions annually of Portugal coin to Germany, guineas were found to supply their place in the payment of bills, when before you were forced to solicit as a favour to get a few ; is it not rather a proof that when there is either a great circulation of paper, or of foreign gold in this kingdom, the current specie, both in gold and silver, is cautiously hoarded up against any extraordinary emergency, when either paper currency is in discredit from any public bad circumstances of the nation, or foreign gold scarce. And does not this fair supposition render all calculations concerning the current specie vague and uncertain ? For want of precision on this point, our author has greatly under-rated the current cash of this kingdom ; and as to a scarcity of silver, it is a complaint of long standing, owing to different causes ; as we observed before, it is hoarded ; it is likewise exported ; and it is clandestinely



melted down; witness the scarcity of crown and half-crown pieces.

The circumstance concerning the discount on bank notes, and good bills in corn counties, during the great exportation of grain in 1766 and 1767, it amounts to no more, than the embarrassment of a traveller, who in some country village being distressed for change, should be obliged to give some covetous old miser (contrary to law) sixpence for silver for a guinea, he might, in this case report that guineas were at *two and half per cent.* discount, but all the world would laugh at the folly of circulating such an idle tale, on so slight a basis, as his accidental situation. Just the same was the case of the bank notes and bills in question. Could the owners, who wanted to pay the farmers in currency, have had the time to slip into some other counties, they might have found shopkeepers and riders to great tradesmen in London, who would have been glad to have given them cash, and perhaps a premium for their bills and notes.

But this author forgets a fundamental maxim in circulation, which levels all distinctions between such papers as public bonds, bank notes, &c. and the precious metals. It is this; that whatever is agreed upon by a nation to be the medium of the exchanges of property, is the money, the currency of that nation; no matter whether it be made of paper, tin, lead, silver or gold.

The next enquiry he makes is, into the future consequences of the credit of England and of France, which he discusses in the following manner:

“A great plenty of money, or the signs of money, if entirely current amongst a people, contributes greatly to raise the prices of all sorts of commodities: This is a fact, which reason, as well as history, confirms. The price of all things rising in proportion, as silver flowed in Europe from the Spanish colonies, is well known by all: It must therefore naturally follow, that such a prodigious quantity of paper currency as the English possess, must among them be attended with the same effect; and this is not only a supposition, but the present state of the kingdom absolutely proves it. During the latter years of the war, and ever since the peace, the presses of England have been employed chiefly in introducing to the publick vast numbers of tracts concerning the dearthness of all kinds of provisions, and this perpetual cry has held so long, that generations of beasts of all kinds might have been bred, fatted, and eat, in the time—But it is not only in that article; all others are increased in proportion, they complain—and many of their best writers assert, with innumerable ones of

of the present times, that the decay of their manufactures, particularly the woollen and silk, is owing to *living* being so extravagantly dear in England, that they cannot work so cheap as foreigners, especially as the French. This dearth of all kinds of provisions is a stumbling-block to a multiplicity of their authors, who have given five hundred reasons for it, but scarce any have hit upon the right one, which is precisely their immense paper currency: as it is impossible such a currency should not be attended in any country with such an effect, and as the effect really exists in England to a very great degree, without any other satisfactory cause being assigned, is it not demonstration, that this is the real cause? The nation is therefore not only saddled with a multiplicity of taxes on the industrious, to pay interest to the lazy, but such taxes are more than doubled by the effects of their paper specie—and both for a perpetuity! Thus, when we say England raises such a revenue, and France such an one—no comparison can be drawn, untill the consequences of the paper of the former are taken into the account, and they are beyond doubt of a surprising amount.

“ I have already spoke particularly of the great ease with which France recruits the most terrible losses of a war: It would not be so, if she could borrow as freely as England, because then she would in peace groan under the burthen of all her wars, and in fresh ones have to raise the expences of three or four at once. This is the case with England; during the last war, she not only fought Lewis XV. but his great grandfather at the same time, almost in the zenith of his power; for she not only raised the sums necessary for the war then carrying on, but at the same time kept paying near all the expences of those of king William, queen Anne, George I. and II. till last, the expence of old wars, will in a future one be equal to the new, without reckoning the monstrous addition occasioned by the currency of so much paper.

“ There can be no comparison therefore between the two nations, in recruiting the losses occasioned by war—England is now more burthened from her late successful one, than France from so unfortunate an one—and that in an infinite proportion; for her acquisitions cost her more than they yield—whereas France not possessing such a public credit, could not so burthen herself for futurity, if she would; and the conquests and sailors (30,000) which her enemy restored to her at the peace, contained the quick vegetating seeds of almost immediate wealth. What therefore would have been the case, had England been as unsuccessful as France, or even half as

unsuccessful: Let us suppose Jamaica, Barbadoes, and Virginia, or Maryland, in the hands of France, with a naval power superior to her enemy; can we be so stupid to suppose the French would have been such idiots as to restore them? No, they would have restored the province of Normandy, and the town of Calais as soon; and England would have found herself in a very different situation.

*From the nature of the government of England, there arises a fatality which mars all their treaties of peace. In modern times they have but two successful wars to boast of, both owing to very great parts and abilities in the ministers who conducted them, but prejudice and faction deprived those men of their power, and peace was made but times to secure that of their opponents. In such a situation, a dash of the pen of a fool gives up the acquisitions of genius and superior abilities. This is ever the case with England; and it is a circumstance so striking, that the English, when they rejoice at the victories of their arms, forget the vanity of their success, when the pen is drawn instead of the sword.*

*In short, whatever light we consider public credit in general, and that of England in particular, we have the strongest reason to give to France in this article, the palm of superiority in the want of that which some are so blind as to admire. The effects of it are such in England, that even success (however better it may be than the contrary) in war, brings no relief, but she sits down at the end of a most triumphant one, under greater burthens than the very people over whom she is victorious. The effects of her credit have been the depriving her of real wealth, substituting paper in its room, the doubling all her taxes, the enduring at present the expences of wars that happened almost a century ago—the involving all her affairs in the hands of stock-jobbers, and money-brokers—the rendering her prosperity in general infinitely precarious; and lastly, the prospect of having the weight of her power sink, on comparison with the rest of Europe. If the cause of such effects is to be valued, my conceptions are not clear enough to comprehend the propriety of such an idea.*

*Before I entirely dismiss the subject, I shall venture a remark or two on the event of the English credit: Now, their debt is arrived at such a prodigious amount; the interest of it, and their quantities of paper currency, grown such a heavy burthen; let us suppose the legislature of the kingdom by an act of parliament, \* to convert at one stroke the whole of their*

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\* Forty members are a house, and an act may be read three times, and receive the Royal assent, all in four hours.

debt into annuities for the lives of the present possessors only at the present rate of interest. In such an affair as this, nothing should be done by halves, the least slip ruins all future credit, therefore it should be lost for certain gain. The number of stockholders, is it said, are 17,000; is it to be supposed that twice that number, out of ten millions of people, might not be ruined, without a rebellion—a civil war, and a—I know not what, which the interest-money of *men* in England, have almost made the people believe must be the inevitable consequence of a sponge? Absurd and ridiculous! The whole fabric of the funds would fall at a breath, and who would be hardy enough to draw a sword for revenge? Their incomes would be sure for their lives, and as to their successors, that really had no other means of subsistence, the parliament would have it amply in their power to secure them from poverty. But to suppose that any public bad consequences would follow, from such a breach of faith, it is the weakest imagination in the world.

“But it will be said, that as fast as the lives dropt, the interest would still be raised, and then be in the power of the crown, which would be a worse consequence to the nation; likewise, that whatever urgent affairs happened afterwards, no money could ever be borrowed again—and lastly, that the infamy of such a breach of faith, would reflect eternal dishonour on the nation.

“The answer to the first of these observations is decisive; so far is it from one shilling of the interest going to the crown, on the annuities dropping, that it would all go to the sinking fund, which, in other words, is the surplus of all taxes which are raised for the payment of interest, and which is entirely in the disposal of parliament.

“Secondly, as to never being able to borrow again, it would be the happiest circumstance that could possibly arrive to the nation in general: They would be obliged to raise the revenues necessary for a war, during the continuance of such war, by which means the burthen would never last after a peace was concluded. To effect this would be extremely easy for naval and constitutional wars, and if they were never able again to pour their six millions a-year into Germany, so much the better still. The present revenue of England would, if the debt was sunk, be highly sufficient for any the most extensive war, they could consistently with their interest carry on; especially when their enormous paper currency was sunk; for one million then, would go as far as a million and a quarter now. Lastly, as to the infamy of such a breach of faith, I am not palliating or defending it, I only mean to point out

out the consequences : But there are some considerations which will soften the idea we have, even of such infamy itself.

“ The most sensible men in England are well convinced, that the public debts and paper currency have thrown a weight into the scale of the crown greater than any taken out of it at the revolution : There needs no argument to prove this : and the very idea of liberty being endangered by such a fabrick of credit, is enough, with all honest Britons, to make them wish to see it levelled with the ground, and without any imputation of cruelty : The best and dearest interests of a great nation ought never to be given up through justice to a few thousands. Another circumstance which ought not to be forgot, is the natural course of the business left to itself—such ruin and destruction must come by and by (we know not how soon) to the *few*, and most probably without securing the interest of the *many*. At present an hundred pound of public fund is not worth more than eighty-five ; from whence comes such a discount ? The natural event will be a failure of credit, without easing the nation of its burthens ; or in other words, utter ruin.

“ The interest of the debt of England is upwards of four million sterling—upwards of an hundred millions of livres : All would cease (if true *politicks* guided the legislature) in a few years, and some of it immediately, as the annuitants dropt off. Such sums, added to the amount of the sinking fund, would enable the parliament almost directly to ease the people of the most oppressive taxes, and that most oppressive of all, the effect of so much paper, would drop at once—the balance of trade in their favour would pour in natural wealth, to remain among them—their trade and manufactures, eased of such heavy burthens, would astonish all Europe, in their immediate progress, and especially, if the parliament, out of the overplus of the nation’s revenue, should grant some liberal bounties on the importation of those articles of American produce, which England receives from other nations, particularly the northern ones.—A few judicious acts of parliament to encourage their colonies in articles which could not interfere with the mother country, would, after such an event, render the empire of Britain, the most permanently fixed of any in the universe—and encrease her real power beyond all conception—to a height indeed, which with any other constitution would endanger the liberties of Europe ; No ; I may venture to assert, that since the time of the Roman empire, the world has not known a dominion so extensive—an influence so unbounded

bounded—or riches so permanent, as would be the case with England, trusting to her navy, after such an event.”

The dearth of provisions we deny to be the effect of the taxes; it is the effect of a weak administration of the internal policy of the kingdom! it is owing to the sordid interested views of the landholders, who have discouraged the breed of small animals constituting great part of our food. And as to our manufactures they have declined from the same causes, the want of hands, the landholders having desolated whole villages, by pulling down tenements, unsettling the poor, and preventing their propagating their own species, or raising live stock for food. The multiplicity of the taxes we own is a very great grievance, and think our author's remark on the absurdity of making the present generation pay for the battles that were fought in the last, is a most keen reproach on our government, but we cannot allow that it is a proper consequence of public credit. At the same time that the principal was borrowed, means might have been found to have raised a fund for the payment of the annual interest, without burdening posterity; but the true misfortune of England is, that her ministers and legislators are so vain as to imagine all political sagacity is confined within the narrow circle of a levee, or within the walls of the house of commons; therefore they reject with contempt every offer to set them right in any department wherein they err, unless it originates in the brain of one of their own body; all without that pale is heretical, and they will rather blunder on from generation to generation, than listen to what they call a projector. This is the true reason why her affairs are involved in the hands of stock-jobbers and money-brokers.

As to the expedient proposed by this ingenious gentleman of paying off the national debt, it is an old scheme, with alterations, borrowed from Mr. Hooke; but it is by no means necessary to commit such an act of national injustice; it may do for a French, but not an English government, which must inviolably preserve the public faith of her parliaments. To talk of annihilating the public debt in this kingdom, is as idle, as to suppose we could carry on extensive wars without credit. The truth is, we can never break, as this author supposes, because not only seventeen thousand stockholders, but the whole nation is interested in the support of *public credit*; in which, as the case now stands, *private credit* is involved. It is therefore childish to confine the idea of a breach of parliamentary faith to the stockholders alone; the whole circle of commerce would feel the blow. Great part of the unemployed money of the nation is lodged in bankers hands; these

vest

value in the funds or other personal securities the temporary balance remaining in their hands uncalled for; pass an act in four hours to reduce the value of the funds by converting them into life annuities, and you infallibly make these stop payment, who then will discount your bills from the colonies; bills from all parts of Europe, and inland bills, or which way are the tradesmen to go on in business who have placed their circulating cash in their hands. Above two thirds of the kingdom must be inevitably ruined by any very great blow given to public credit: having therefore established this fabric, we are now obliged to keep it constantly in repair; and that minister who makes any other use of surpluses remaining in the treasury, but to provide a fund for the payment of the interest of future loans in time of war, is either a knave or a fool. Pay your interest regularly, and you will never break; the national debt will change hands by keeping up the credit of the open market. The people will cheerfully submit to pay the present taxes for fifty years to come, if you will assure them you will not impose more. This is the true method of providing for war in time of peace, without burthening posterity. Were this plan pursued, our author would find that our public credit out-weighed all the real wealth, as he files it, of France, and we might very safely, with our present profitable and extensive commerce, add another 100,000,000; and bid defiance to all the shallow, malevolent prophecies of public bankruptcy. We shall close our account of this extensive performance with the article of the NAVY, under which head the most useful hints are thrown out to our government, in the following observations:

“ I cannot draw a parallel between the number of sailors kept up by the two nations in time of peace, because the French court are perpetually varying them, according to the business of the day, whereas in England, the number is fixed at 16,000 by parliament. It is the exceeding bad policy of the latter in keeping so few, that may, one day or other endanger her safety: For a maritime power to keep more soldiers than sailors in pay, is insatiation itself, and can be resolved into nothing but the ministry's being eager for a numerous army, because the commissions in it are better assistants to bribery, than any in the navy; such a conduct is almost the natural consequence of the form of government in England.

“ The most keen eyed politicians in Europe, are either greatly mistaken in their prophecies, or France will, one time or other, revenge that masterly stroke of politicks in her enemy, of seizing her ships before war was declared: That single act commanded at once the fate of the war. But it has  
set

set an example which an arbitrary crown, that of course possesses vast advantages at such sudden work, will doubtless take occasion to follow : Nothing could be easier than for the French ministry, after encreasing their marine with all possible expedition, and keeping 50, or 60,000 sailors in constant pay ; to lull the court of London into security, and when they were ready for action, let loose the whole force of France in 20, 30, and 40 gun frigates, on the trade of England ; their enemy would then feel the consequence of reducing their royal seamen to 16,000, three times that number would be in the ports of France, before such a fleet sailed from England, as would oblige the French to man their first rates. The English would then with their 17,000 landmen were transformed to sailors. As to the motives for such a conduct, pretences will never be wanting by the court of France, for acting to their convenience.

“ If the French act in future, on a truly political plan, England can never be safe without keeping 30,000 sailors in constant employment, and besides that prudential conduct—she ought *on the political plan*, to take occasion to quarrel with France, whenever the French marine begins to wear a formidable appearance, or threatens in a distant manner to rival her own ; by such, and only such means, she can secure to herself the empire of the sea. Hitherto accidents, and the blunders of her enemy have performed all this for her, but chance should never be trusted to too much.—But the national debt of England ! you will cry out—true ; that indeed I forgot—that requires as Machiavelian a stroke as the French navy.

“ I have in a former letter drawn a comparison between the navies of the two nations, as to number of ships, guns, and value, there remains therefore the less to add to this—

“ A nation that is not in possession of a great trade, can never raise a formidable navy, but when the trade is gained, the navy comes very speedily : A monarch possessing so large a revenue as the king of France, and his subjects carrying on so considerable a commerce, has nothing to do, but to resolve to be powerful by sea—if he has able ministers about him, he will speedily be so : And when his grand enemy's great resources lie in trade, a powerful navy is the only sure means of distressing them, and enriching his own subjects in a future war. Becoming formidable at sea, is therefore not only the effect, but the cause of trade, for if France was once to become stronger at sea than England, the superior trade of the latter would soon sink. It must however be allowed, that ; let the French court act the most political part possible, it



will notwithstanding always be in the power of England to retain her superiority, and even dictate in effect the number of ships her enemy shall build, and that in spite of the whole house of Bourbon, and even all Europe—but this conduct, so necessary to the glory of England, requires a government less shackled with factions than that of the English.”

*A Letter to Robert Morris, Esq; wherein the Rise and Progress of our Political Disputes are considered, &c. [promised in our last Number.]*

NEVER do we remember to have perused such a heterogeneous production; it is so extraordinary a medley, of *botch-potch* of low humour—partiality, invective and abuse—such a jumble of court-flattery, tory politics, Scotch spite, law and quibble tossed up, and seasoned with a few grains of honesty, good sense and sound judgement to relish the whole—that we may truly affirm, the press has not thrown out such a bone for criticism for many years; and to use a familiar, favorite expression of our writer, which he applies to Lord Mansfield, but we more suitably to his pamphlet—“*It will be a wonder indeed*” if we see its like again.

The first eight or nine pages are dedicated to the main design; abuse of Mr. Morris in the most gross, illiberal terms; and to return the compliment he pays to that Gentleman, we must observe that, the only reason why such a writer (personally known) should not be kicked down stairs, is, lest a more insolent, and a more ignorant fellow should take up the pen in his stead and give us fresh trouble.

We wish to spare our readers the pains we have taken in wading through all the mire of this Scotch swamp to get at a very little tract of fertile country. His tale of the old woman, calculated to make us sit down easy under a bad administration, because a worse might come in their place.—His story of a young wench and the devil, and his string of titles strung about the neck of the quondam Secretary to the Supporters of the Bill of Rights, are equally mean, frivolous, impertinent and malicious. His attack upon all the Patriots of the land indiscriminately (leaving Mr. Wilkes out of the question) in the same illiberal strain that has been constantly used by his party—his abuse of the honest citizens who have offended his Sovereign Lady, the Princess Dowager of Wales and her friends—his making custard and plumb-pudding the insignia of the office of the Chief Magistrate of the metropolis, enables us to scout the Highlander in every page, and leaves no room to doubt that *Gibby* is in a woundy passion.

So

So far we have endeavoured to pay him in his own base coin—but when the seasons like a man, we likewise change, our style and the *tenour* of our criticism. His apology for Judge Aston is ingenious and sensible, and if it had been delivered with a probable supposition, that he was warranted to say, such was the Judge's meaning, it really would demonstrate, that Mr. Morris has made "Much ado about nothing." We shall give it in his own words, and leave it to the public to determine, whether the interpretation put by Mr. Morris, on Mr. Justice Aston's expressions relative to him, at the time of his pronouncing the judgment of the court on Almon—or that which this writer gives to them, are the most candid—what the Judge really meant must remain in his own heart, as we fear he will not condescend to explain himself.

"It is a foolish bird, they say, that besitts its own nest; and there are who suggest, that Robert Morris, Esq; has a strong resemblance to such uncleanly fowl. He tells us, in the tenth page of his Letter, (and we must believe he tells us the worst) the words made use of by Judge Aston. He lays a strong emphasis upon *THAT MAN*; as if it had been an affront to his dignity to be called a man. Very possibly Judge Aston erred when he gave him the appellation of a man; however, Robert Morris, Esq; may discuss that point with his laundress. But if Mr. Morris were that sort of man whom they call a *grammarian*, he would have been less offended at the appellation; for it is not spoken as demonstrative of him, pointing him out in a reproachful way; as if the Judge had said, *that man there*, or, in the patriotic idiom, *that there man*; but relatively, viz. "*that man who had* (though but in a parenthesis) "put into his affidavit, that he did not think the letter signed "Junius to be a libel; I shall, for my part, pay very little regard to any affidavit he should make."

"Certainly the expression, in every sense, carries an idea which might hurt the pride of a patriot. Though I think Robert Morris, Esq; has rather made a confession, that he felt the thrust home, when he explains the meaning of it in his own terms. A man of very jealous delicacy on the point of honour, ought never to commit himself by the implication of a construed affront. If Mr. Morris had lived in the world, he would often have found the necessity of softening the sense of harsh expressions, instead of turning them to a worse. But the hot head of a law patriot, kept in a continual buzz by *law conversations, in law coffee-houses, and law-dinners at law taverns*; his invention and imagination perpetually employed upon abstract and futile disputes; his blood irritated and inflamed with unprofitable and illiberal reading; with the un-

genteel altercation too common in the Inns of Court, render him incapable to attend to those conciliating distinctions, which he ought to be so much personally interested to make; and which men of the world find it necessary to make every day.

“The misfortune of the case is, that in these disputes the disputants proceed no farther than hard words, and scurrilous names, if in private; and if in public it ends in a pamphlet, by which no body gains but the Bookseller, and in which the party generally bespatters himself more than the person whom he writes against hath done. Such has been the conduct of Robert Morris, Esq.—In the heat of his resentment, to which I will add the promise to his friend (who I hope will perform his part, by calling Judge Aston to account in another house) he has not perceived, that by the strong sense he has put on the Judge's words, he exposes himself to a worse censure than could be meant, or indeed than the words in fair construction implied.

“A thousand people, who never would have thought of this snuffer, and who, even if they had heard of the censure, would have considered it in no other light, than as a strong expression of a Judge's disapprobation of a false opinion given by an evidence, when he had no call to give it; I say, a thousand people will now, upon the authority of Mr. Morris himself, put the same construction on the words that he has done, and believe him to be no better than he has represented himself.

“There are in England many, very many wise, just, and good men, who firmly believe the letter of Junius to be a false, a scandalous and an infamous libel, wrote and published for most diabolical and detestable purposes. All these men must think, not in the highest manner of Mr. Morris, either as a lawyer, a subject, a christian, or a gentleman, for going out of his way to give his opinion upon oath, that it did not contain libellous matter; but what must they think now, after the interpretation Mr. Morris himself puts upon a Judge's censure of that opinion? I will not declare what I imagine their sentiments will be; but I know in general, that it is a capital error to take a strong expression too warmly, and to interpret it into a direct charge to impeach the honour or honesty of the interpreter.

“Mr. Morris is pleased to ask, whether Judge Aston's words can bear a different import from that which he himself puts upon them? To which I answer, they most certainly will. I have already mentioned one other sense, and I shall mention another. I do not mean to dwell on the difference between  
 between

tween paying *very little regard*, Judge Aston's words, and *deserving no credit*, which are the words of Mr. Morris; for there is a material difference between them, to dwell upon it might be thought a refinement. But there are many reasons, besides an abandoned conscience, which take from the credit of an evidence in a court of justice. There are defects of the head, as well as of the heart. If Mr. Morris labours under the *former* of these, he is injurious to himself by applying the Judge's censure to the *latter*. I could refer him to the books of evidence, which are full of cases of objections both to the competency and credibility of witnesses, which do not impeach their consciences at all. Some of these objections lie in all cases, some in particular cases. Suppose a man intelligent, rational, and cool, in his general conduct and behaviour, but on a particular point, wild, incoherent, furious, and mad; would that man's credibility, in a question on that point, deserve equal credit with his evidence given upon any other? To be sure not. Suppose, also, his violence to be such, that he had gone out of his way to declare his opinion upon that point; would not this still take from the credibility of his evidence? Suppose that opinion to be, in the sense of all reasonable men, a wild, inhuman, and dangerous opinion; might not such a Judge say, that the affidavit of such a man deserved very little regard? Suppose the same man's madness should impel him to construe the saying of the Judge into a charge against his conscience; would not this be a strong evidence to corroborate the opinion of the Judge, that the affidavit of such a man, in such a case, deserved very little regard?

"All these are supposable cases, because they have actually happened. Mr. Morris, whose intellects, if I may believe report, are none of the soundest, is mad as a March hare, with many others, on the head of patriotism, and an ideal reformation of the state. Some people do him the credit to believe, that he is one of the few patriots who are conscientiously in the wrong. I am very willing to allow him the merit, but I will not allow him to have been a witness, *omni exceptione major*, in the case of Almon; and yet I will not say, that he is in general a man of such abandoned conscience, as not to deserve credit in a court of justice. He may call his own honesty in doubt, and make others doubt it; if he pleases; but I, for my part, will defend his virtue, at the expense of his understanding."

The substance of a laboured account of the rise and progress of our political disputes may be reduced to this small compass—An Eulogium on his Majesty which he might have spared, unless he had possessed the talent of writing suitable

to the dignity of his subject. An Angelic portrait of Lord Bute, as a man, and as a minister, faultless in every point except one, (in which alone he could give any true pleasure to the real friends of their King and Country) his dastardly desertion of his public station—flying from the helm of state—as his relation James II. did from his throne.

This modest Caledonian Writer in the warmth of his zeal asserts that Lord Bute was weak enough to believe that this nation might be governed upon pure patriotic principles, and that he actually pursued a pure Utopian system which ruined him as a Statesman. Was ever such insolence?—Were the dismissal of all the late King's ministers, counsellors and subordinate servants—the reducing hundreds of families to beggary, by the removal of even clerks from public offices, for no other reason but to give their employments to Scotchmen his creatures—The insulting of the best friends of the House of Hanover, and the first Peers of England—The turning out a successful able minister to make way for an infamous peace—The seizing the person and papers of a member of parliament by an unconstitutional warrant—So many signs and tokens of a patriotic government? if so, Heaven defend us from such another.—With the same consistency, but without shadow of argument, Lord Chatham's conduct in the late war is decry'd, the peace is applauded, and every measure of government since is extolled to the skies—except an error with regard to Mr. Wilkes—he should have been hanged or beheaded.

With respect to the North Briton, speaking of the mischief it has done—he wonders at the patience of the *Scotch* and says, that while the evil genius of the *English* inspired them with folly and injustice—their better angel whispers to them resignation—or in other words—prevented another unnatural, base, bloody, ungrateful rebellion. As it is he says, that harmony between the two parts of the island is destroyed by the North Briton, and may not be so easily cemented again: Here the proud Scot manaces again—but let him call to mind Tower-hill, and speculate at Temple-bar to cool his courage.

Mr. Wilkes is not spared in this pamphlet, and there is one circumstance which we think he is bound in honour to explain in print. The writer says, that Mr. Wilkes tendered his services to Lord Bute, when minister, to write for him in the news-papers for a very trifling pecuniary sum, but Lord Bute detesting his character, in pursuance of his Utopian plan rejected his offer, which gave birth to Wilkes's damning his Scotch

Scotch blood, and setting on foot the North-Briton to inflame this kingdom against the Scotch.

Our readers will not be surprised after this to find, that Lord Mansfield is set up by this writer, as the most strenuous assertor, and defender of the people's liberties, rights, and privileges, and as the most injured man in the nation. This our author attempts to prove by instancing the patriotic popular acts of parliament first moved or promoted by his Lordship.

“ Lord Mansfield, says he, not only prevented the dangerous injury offered to the constitution, by the Earl of Grafton, and Lord Camden; he was also either a first mover, or a strenuous and zealous promoter of the popular laws, which have been made during the present reign; and by which the constitution has been brought nearer the standard of perfection, than by all the other improvements since the era of the Revolution. I mean that law by which the Judges were rendered independent of the crown, and which proceeded from his Majesty *ex mero motu*. That by which the minds of the people were quieted, against the apprehension of the crown's right, commonly called the *nullum tempus* act. That which, by restraining the privilege of parliament, was of such essential advantage to the internal commerce of the nation; especially to that part of it which could least afford to be under any disadvantage, the honest and industrious shop-keeper, and handicraftsman. And that law, by which questions of election in the House of Commons are henceforth to be tried, in a manner which will prevent the injustice pretended to have been done in the Middlesex election; and guard against the bad consequences, which it was figured might follow from that determination:—

“ Three of these most salutary and beneficial laws, were made by the present parliament, which is endeavoured to be rendered so obnoxious to the people; and two of them, the privilege and election bills, could not have gone through the House of Peers, had it not been for the zeal, the wisdom, and eloquence of Lord Mansfield. There have been times, when smaller services to the nation would have raised altars and statues to him who performed them; but such is the phrenzy of the present times, that a deluded multitude are taught to believe, that the men who attempted to destroy their liberties, are the zealous assertors and defenders of them; while the man who stood forth, and in the face of the world opposed and defeated the attempt to destroy them; and on every occasion has given a public testimony of his zeal, not only to preserve, but to extend and enlarge the basis of public liberty, is represented as her enemy.—Once more I affirm,

Almon, *that the people of England believe every thing they hear, and nothing that they see.*"

His Lordship's conduct in the case of Woodfall, his doctrine of Libels, and of the power of Juries, is consequently defended with great plausibility, and a competent knowledge of law.—This part of the pamphlet is evidently written by another hand, though of the same party: it is the stile and reasoning of a gentleman and as such we recommend it to those who have perused the other side of the question—The letters to Almon in matter of Libels.

We cannot do justice to this author, without subjoining his advice to the good people of England.

"If they would open their eyes to what is around them, they would see their situation happier than any nation upon earth. They would see their commerce extending daily, their riches encreasing, and their country the center of arts and endowments. They would see on the throne a King, whose only wish is to promote his subjects happiness, and whose only mistake, in the means to procure it, has been a too studious attention to satisfy the wayward desires of every party. They would see a parliament, composed of men, whose interest never can be opposite to that of the people; and who in fact, have done more for the interest of liberty, than any parliament since the æra of the Revolution. They would see a bench of Judges, in whom wisdom, knowledge, and integrity, are equally conspicuous; men who on all occasions have supported the real liberties of the people, and redressed, by legal and constitutional means, every injury offered to their rights. As for Lord Mansfield, I know him not, but in his public character; and I defend him, because I think his conduct is upright, consistent, and constitutional. I could wish, however, that the austerity of his virtue could bend a little to the depraved temper of the times; he would not be a better man, but his great and shining qualities might be of more use to his country: yet, take him for all in all, it will be a wonder, indeed, if we see his like again."

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*All the Authentic Papers relative to the late Negotiation with Spain, and the taking of Falkland's Island from the English, 4to. 3s. Almon.*

THESE curious papers shall be critically examined, and the pretensions of the two crowns (as they appear upon the face of this interesting correspondence) shall be fairly stated in our next.

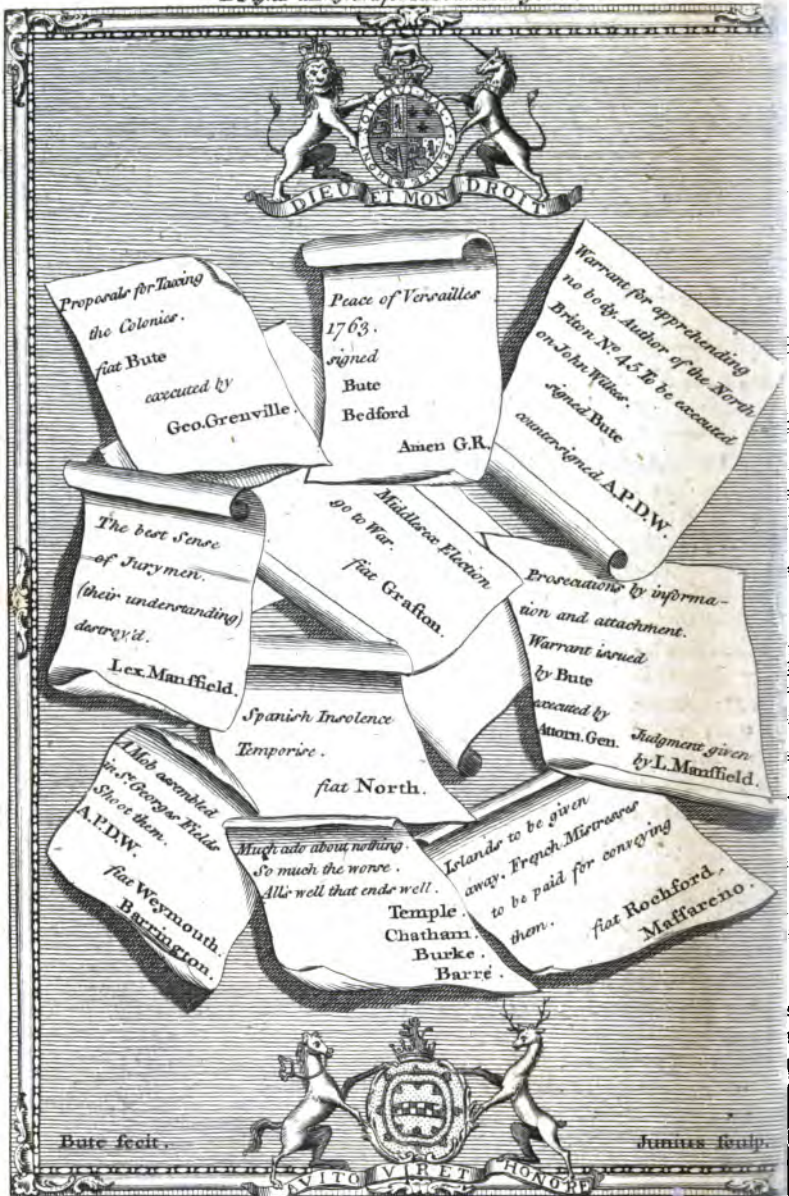
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T H E

# POLITICAL REGISTER

For A P R I L, 1771.

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N U M B E R L.

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To the EDITOR of the POLITICAL REGISTER.

S I R,

As the present contest concerning the authority and jurisdiction of the House of Commons \* may be attended with very serious consequences ; and many people may be led to false conclusions, which are often the result of violent, headstrong passions : It will be an acceptable service to regulate their opinions, by referring them to the origin of parliaments ; and by laying before them the general sentiments of the ablest statesmen, the greatest lawyers, and the best writers on the antiquity, nature, design, power, business and use of parliaments.

This task I have undertaken and transmitted to you for the public benefit : if you think it will answer any valuable purpose at this crisis, your own judgment will point out the necessity of giving it the first place in your Register for April, in preference to other subjects, which cannot be more important, and may not be so temporary. Your attention to this my first communication, will engage me to be an occasional correspondent.

Grosvenor-Square,  
March 20th.

SOLON.

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\* See the proceedings on the cases of *Wheble*, *Thompson*, and *Miller* in this number.

On the *Antiquity, Nature, Design, Power, Business,*  
and Use of PARLIAMENTS.

THE word Parliament is derived from the French, and is compound, containing the signification of the French words—*Parler-le-ment*, to *speake ones mind*, thereby denoting that every member of those august assemblies should sincerely and discreetly speak his mind for the general good of the community; this title to our national assemblies was in use before William the Conqueror, for it is traced to Edward the Confessor.

But in the time of the Saxons what is now stiled the Parliament, was called *Witenage Mote*, that is, *the Great Mote, Meeting or Assembly*, whence the *Wardmotes* in London receive their name to this day; others indeed interpret the *Witenage Mote* to mean the *Wise Mote* or assembly of the wise men, the sages of the land.

The word Parliament is used in two senses; *First*, to signify the legislative power of Great Britain, as when we say, *An act of parliament*; this acceptation necessarily includes the king, lords, and commons, each of which have a negative voice in making laws; and without their joint consent no new law can pass that will be obligatory on the subjects.

*Secondly*, In the most universal sense, the word is used to describe the two houses of lords and commons. Thus we say, *the king will call the parliament together*; or, *his majesty will dissolve the parliament*.

The lords of parliament are divided into *spiritual* and *temporal*. The spiritual lords are so called because they are bishops, and derive their titles from the church, though their title to sit in the house of lords arises from their baronies, which they hold as parcel of their bishoprics in their political or temporal capacity. The other branch of this house consists of temporal peers of five different ranks, *v.z. Dukes*, (by which title the princes of the blood hold their seats) *Marquisses, Earls, Viscounts*, and *Barons*.

The commons are divided into three classes; *First*, Knights, or representatives of shires or counties; but it is to be observed that though the writs direct that *two knights* are to be chosen, yet it does not follow that they should actually have the degree of *kighthood*: for the statute of the 23d of Henry VIth runs in these words:

“ That the knights of the shires for the parliaments here-  
“ after to be chosen, shall be notable knights for the said  
“ counties

“ counties for which they shall be chosen; or otherwise, such  
 “ notable esquires or gentlemen (born in the same counties)  
 “ as shall be able to be knights, and no man to be such  
 “ knight, who stands in the degree of a yeoman or under.”

*Secondly*, Citizens, chosen to represent cities.

*Thirdly*, Burgeſſes, that is to ſay, thoſe choſen to represent boroughs.

The difference between a city and a borough, is not ſo generally underſtood as ſome imagine, wherefore I ſhall explain it. A city is a borough incorporated, which is, or has been anciently an epiſcopal ſee: and this though the biſhopric be diſſolved; thus *Weſtmiſter*, which formerly had a biſhop, ſtill remains a city. Boroughs are towns incorporated, but which never had any biſhops.

This is the conſtitution of the two houſes, vulgarly called the parliament, but its ſupreme power cannot be exerciſed in a legiſlative capacity without the concurrence of the king. Therefore ſtrictly ſpeaking, the parliament ſhould mean the three eſtates of the realm, who in the Britiſh government hold an equilibrium or balance of power. For neither can the king alone—nor the king and the lords—nor the king and the commons—nor yet the lords and the commons make, alter, or annul any law; but this glorious *triplicity* muſt act in conjunction: and here lies the ground work of the ſecurity of life, property, civil and religious liberty, to the ſubjects of theſe happy realms.

Having conciſely deſcribed the antiquity, nature, and plan of *the parliament*, we will now proceed to treat of its *power* and *jurisdiction*, which is ſo extenſive, that it makes, enlarges, diminiſhes, abrogates, repeals, and revives laws, ſtatutes, acts, and ordinances concerning matters eccleſiaſtical, civil, martial, marine, capital, criminal and common; and according to lord Coke, the power and jurisdiction of parliament in making laws; in proceeding by bill, is ſo tranſcendent and abſolute, that it cannot be confined either for cauſes or perſons within any bounds. Of this court it is truly ſaid, *Si antiquitatem ſpectes, eſt vetuſtiſſima, ſi dignitatem, eſt honoratiſſima: ſi jurisdictionem, eſt capaciſſima*. If you regard its original, it is moſt ancient: if its dignity, it is moſt honourable: if its jurisdiction, it is moſt capacious.

Sir Thomas Smith, a great ſtateſman, in queen Elizabeth's time, gives the following character of this ſupreme court.  
 “ The moſt high and abſolute power of the realm of England  
 “ conſiſteth in the parliament; for the parliament abrogates  
 “ old laws, makes new, gives order for things paſt, and for  
 “ things hereafter to be followed: changes the rights and

“ possessions of private men : legitimates bastards, corroborates religion with civil sanction, alters weights and measures : prescribes the right of succession to the crown, defines doubtful rights, where there is no law already made, appoints subsidies, taxes, and impositions, gives free pardon, restores in blood, &c.”

So much for the power and jurisdiction of the three estates of the realm, king, lords and commons in parliament assembled, and acting conjointly ; on this subject we shall meet with no opposition : but we must in the next place discuss the separate jurisdiction of the two houses assembled under the common title of the parliament, to transact the public business of the nation.

As the jurisdiction of the parliament is so transcendent, so the rules and methods of proceeding in it are different from those of other courts. Lord Coke in his institutes observes, that as every court of justice hath laws and customs for its direction : some by the common-law, some by the civil and canon law, some by peculiar laws and customs : so the high court of parliament, *his propriis legibus et consuetudinibus subsistit* : subsists by its own peculiar laws and customs. *It is lex et consuetudo parliamenti*, the law and custom of parliament, “ that all weighty matters in any parliament moved concerning the peers, or commons in parliament assembled, ought to be determined, adjudged, and discussed by the course of the parliament, and not by the civil law, nor yet by the common laws of this realm, used in more inferior courts,” which was so declared to be according to the law and custom of parliament, *concerning the peers of the realm by the king and the lords spiritual and temporal ; and the like pars ratione*, for the same reason, *is for the commons, for any thing moved or done in the house of commons* : and the rather for that by another law and custom of parliament : the king cannot take notice of any thing said or done in the house of commons, but by the report of the house of commons : and every member of parliament hath a judicial place, and can be no witness.

This is the reason that judges ought not to give any opinion of parliament, because it is not to be decided by the common law, but according to the law and custom of parliament : and so the judges in divers parliaments have confessed. And some hold, that every offence committed in any court punishable by that court, must be punished (proceeding criminally) in the same court, or in some higher, and the parliament hath no higher.

As every court must be supposed armed with a power to defend itself from affronts and insolencies, so has the house of commons

commons in all ages, appointed particular committees, in order that they shall be empowered to send for *papers, persons, and records*. But in order to bring men to a sober sense of their duty and danger, it may be proper to desire your readers would turn over the histories of England and the journals of the house of commons, for a variety of instances of the summary proceedings of that house, respecting persons who had violated any of the rights and privileges of parliament, and had subjected themselves to be proceeded against criminally, according to the law and usage of parliament. The house of commons have never executed their power of punishment in a rigorous manner since the revolution : and if their jurisdiction is now to be overthrown by inferior magistrates and courts, because it does not proceed on the grounds of common law, the greatest anarchy and confusion must ensue. And those who pretend to be patriots—the very advocates for the liberties of the people, are either ignorantly or wilfully forging chains for them.

The abolition of the law and usage of parliament would be the greatest stride to arbitrary power that has been made in this land since the time of Charles the first. It is the power of the house of commons to send for persons, papers and records at pleasure, and to proceed in a summary way to punishment, not capital, that protects the liberty of the subject against the arbitrary designs of ambitious ministers. If one individual can refuse to obey the summons of this house, another will undoubtedly claim the same privilege ; and when a motion shall be made to call before the house any clerk in a public office, any deputy secretary of state, or even a judge's tipstaff, or a sheriff's officer, he may refuse, and thereby having notice of the intention of the house to punish him for some misdemeanours affecting the public, and to examine his papers and records, he may either fly the kingdom, or remain at his own house, in defiance of a proclamation for apprehending him, because an inferior magistrate will not order him into custody, for no other reason but to oppose the law and usage of parliament.

On the same principle all justices of the peace may disobey the orders of both houses for commanding the personal attendance of a great number of constables, during the sitting of parliament. There is no law to enforce their obedience ; and in fine, if the usage of parliament is to be rooted up in this violent manner, the democratic weight in the constitution must be considerably diminished, and we may live to repent the having sacrificed *real to ideal* liberty.

For the POLITICAL REGISTER.

*To the* EARL of HILLSBOROUGH.

My Lord,

**P**ERMIT me to congratulate your lordship on the long respite you have enjoyed in your particular department, from that general censure which has fallen on every public measure of any importance transacted by the wretched administration of which you make a conspicuous part. You have, I doubt not, enjoyed a kind of triumph on the decline of that intrepidity and spirit of freedom which gave you so much trouble in North America: and the victory gained over the truly patriotic, independent inhabitants of Boston, through the shameful desertion of a selfish majority, has re-animated your drooping courage, and fired you with the idea of extending the prerogative of the crown beyond all due bounds, in some other settlements, unhappily subjected to your arbitrary will and pleasure.

Amidst the hurry and bustle of domestic politics, I am afraid the melancholy situation of our fellow subjects, at any distance from the seat of the British empire, will not be attended to with that generous concern either by the public or your lordship, as I could wish; but this shall not prevent my laying before them the result of those unconstitutional privileges you have granted to the French Roman catholics in the Islands of Grenada and the Grenadines. Several writers have, at sundry times, taken up this important subject, and it was not without reason concluded, that you had seen your error, and had determined to revoke the instructions you sent to the Lieutenant Governor Fitzmaurice, under his majesty's sign manual in October 1768, by which the French subjects were granted privileges contrary to and subversive of the laws of the whole British empire. After you had been convinced of the inexpediency, as well as the illegality of this odious measure, by the dreadful disorder and confusion it introduced into the government of Grenada; the candid, dispassionate part of mankind concluded, you had recovered your senses, when they saw the worthy Governor Melville, who had made such a noble stand against this shameful violation of the king's promise in his royal proclamation for settling the island, not only honourably acquitted of all the malicious charges preferred against him by the French emissaries here, but sent back to his government, to restore good order, harmony and public tranquillity.

It was not so much as suspected that his hands were tied, and that you had not given him any power to remove from his majesty's

majesty's council of Grenada, from the general assembly, and from the bench of justices, those French Roman catholic subjects, who had been admitted unconstitutionally to seats in each department of the legislative and executive offices of government, solely by the power of prerogative, in itself null and void, when it attempts to dispense with the laws of the constitution. But our last advices from Grenada assure us, that you persist in enforcing the instructions so justly complained of, and that the French subjects now openly triumph over the natural born subjects, who settled there by invitation from the king, in the full persuasion, (depending on his royal word,) that they should enjoy all the rights and privileges of their countrymen in England, and not be precluded from offices of trust and emolument by the intrusion of French subjects, disqualified to hold them, on account of their religion.

All that Mr. Melville could do, on his resuming the reins of government, was, by his authority and example to preserve external decency and public decorum, which he has hitherto happily effected. The rancour and animosity subsisting between the French and the English subjects, has been stilled, by his mild and generous attention to conciliate and reconcile the contending parties; but for want of authority to remove the cause of that hearty disgust the English subjects have taken to the French Roman catholics admitted to a share in the government, he has not been able to transact any public business: for a general doubt and mistrust as to the legality of the present constitution of the island prevails, and it would be to no purpose to permit an assembly to sit, or a council to act, composed partly of members who are totally disqualified, and whose acts cannot possibly be binding or obligatory. So long since as the month of November last, your lordship received the humble address of the Grand Jury of the Island of Grenada to the king, praying a restitution of the old constitution, under which the inhabitants lived happily for four years, and stating the bad consequences that had already ensued from the indulgencies granted (by prerogative authority) to the French Roman catholics. Yet so little regard have you paid to the unhappy situation of this colony, that our freshest advices inform us, all public business is at a stand. The acts for establishing the courts of law and equity expire on the first meeting of the council and assembly; the Governor has therefore wisely prorogued both—justly dreading the revival of the act constituting these courts, by a legislature, whose authority, and the validity of whose acts are disputed.

But



But by your lordship's obstinacy, which you will call firmness, you have gained an important point in favour of your French friends in Grenada. The English subjects willing to follow the benevolent example of their Governor, and almost despairing, after so many fruitless applications, of the restoration of their just rights and privileges, have submitted to an alternative, set forth in the annexed declaration.

Little do they know that in the very moment this declaration reached England, you had confirmed their sentence of condemnation, by appointing a raw, unexperienced, youthful *Jockey* to be Governor of Grenada, in the room of General Melville. Your lordship would do well to inform us who this extraordinary man is; this Mr. Leyborne, whom you have appointed to supersede a gentleman perfectly well acquainted with the genius and disposition of the inhabitants, and the original constitution of the colony he now governs. This gentle youth, no doubt, is to repair his exhausted finances, and to support your prerogative measures. He is to call the assembly, and convene the council, to enact laws; and he may do it: but believe me, my lord, neither you, nor your new governor will be able to convince the English subjects of the validity of them, while disqualified persons have a share in making them.

Let me advise you, therefore, maturely to weigh the alternative, to which you see you have reduced the poor unhappy natural-born subjects of Grenada.

Try the strength of ministerial influence in parliament, and endeavour to establish beyond a power of revocation, this your new, motley constitution of Grenada, by an act of the British legislature. If you succeed, your personal indemnification is the advantage you will derive from the act; and as for the English subjects in the colony, they will submit to the authority of the British parliament, when they find the system of government so far altered at home, as that Roman catholics are by law allowed to hold offices of trust and emolument under the British crown, in any part of the king's dominions. But, my lord, whenever you attempt this bold stroke, let me intreat you to give timely notice of your intention, that the English subjects at Grenada may have an opportunity, by their numerous friends in London, to be heard at the bar of the house of commons, in opposition to an act which I am well assured they never wish to see passed, though their misfortunes have reduced them to the expedient of proposing it.

Perhaps your lordship is apprehensive, that if you fail in this trial of your political skill, you will not be able to stand your ground afterwards.

afterwards, on the strength of prerogative. I am really of that opinion, and would not be in your lordship's place, if such a bill should be brought into the house, and after a spirited debate thrown out; for in the course of the debate such a dismal catalogue of grievances would be laid before parliament, which have been the consequence of your exercising a lawless power under the sanction of the prerogative, as must go near to endanger your personal safety.

In short, my lord, you have now no time for trifling, this affair is coming to a crisis: one parish in the island is now on the point of making a legal opposition to an act of your prerogative legislature, passed during the administration of that renowned Lieutenant Governor, Mr. Fitzmaurice.

The tax imposed on the inhabitants of St. Andrew, for the preservation and support of the harbour, was to take place in December last, and the majority of them had long before come to a resolution of opposing it; thus you see, my lord, that the very defence of the island will be left unprovided for, owing to your persisting in the measure that has thrown the English subjects once more, into a state of unspeakable distress.

You cannot then too strongly inculcate the lessons you intend to give your new Governor, a daily rehearsal will be absolutely necessary; for I am told he is rather slow of apprehension, and has undertaken a most difficult enterprize, no less than to make a people born free, and entitled to all the rights of Englishmen, submit to the controul of arbitrary power, obey the dictates of prerogative, and sit down quietly under an innovation which makes them liable to become the slaves of some future French, Roman catholic governor.

When Mr. Leyborne is equipped with his credentials, you shall hear further from

ALCIBIADES.

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*AUTHENTIC Copy of the Association and Declaration of the King's natural-born Subjects of the Island of GRENADA.*

**W**E the underwritten PROPRIETORS of LAND, MERCHANTS, TRADERS and others, faithful and loyal subjects of his majesty, residing within the Island of Grenada and the Grenadines,

BEING deeply sensible of the many grievances and inconveniencies we have already suffered, and justly apprehensive of the encreasing evils to be dreaded from the *present unsettled and singular state of our Civil Constitution*, do hereby declare,  
 Vol. VIII. D. d. that

that it is our fixed resolution to exert ourselves to the utmost, by all just and legal means, to obtain either a restoration of our constitution as first established, or that a constitution be lawfully fixed and declared by the wisdom and authority of his majesty and the great council of the nation, that is by an act of parliament.

N. B. Those that are not desirous of the alternative proposed, but for an act of parliament, will only be pleased to add to their names the capital letters A. P.

|                             |                                |
|-----------------------------|--------------------------------|
| Patrick Maxwell             | John Knight                    |
| Ninian Home                 | James Blane                    |
| Alexander Campbell          | Roderick Williamson            |
| Harry Gordon                | Robert Threlfal                |
| Frederick Corfar            | Robert Maxwell                 |
| Thomas Townsend, A. P.      | Burnand and Hicks              |
| John Deponthieu             | Alexander Bartlet              |
| John Melvill                | John Ross                      |
| Alexander Symson            | John Handleigh                 |
| Robert Maclellan            | George Fitzgerald              |
| Walter Robertson            | Thomas Bird                    |
| Charles Wilson              | Benjamin M <sup>c</sup> Sween  |
| Daniel Philips              | Alexander M <sup>c</sup> Sween |
| Samuel Sandback             | Duncan M <sup>c</sup> Sween    |
| John Chalmers               | Patrick Carrick, A. P.         |
| Alexander Middleton         | James Baillie, jun.            |
| John Piggott                | William Sutherland             |
| Arthur Piggott              | Hugh Lang                      |
| James M <sup>c</sup> Kenzie | Alexander Paul, A. P.          |
| James Gilloch               | John Lumsden                   |
| John Porteous               | John Harrison                  |
| William Bright              | Thomas George Williams         |
| John Ruding                 | William Townsend, A. P.        |
| John Barrington             | John Campbell                  |
| Benoit Aquart               | John Campbell, jun.            |
| James Campbell              | Colin Campbell                 |
| William Beaty               | John Hay                       |
| John Beaty                  | George Stephen, A. P.          |
| Edward Ashburner            | James Robertson, A. P.         |
| John Hind                   | Thomas Robertson               |
| Edmund Thornton             | Harry Munro                    |
| William Dent                | Alexander Munro                |
| Andrew Orr                  | David Puruceince               |
| Thomas Bennet               | Walter Flyn                    |
| John Lesly                  | Henry Godfrey                  |
| Alexander Cooper            | Alexander                      |

Alexander Stephen  
 James Cox  
 Lambert Hyland  
 William Donaldson  
 William Grey  
 John Arnold  
 Martin Sutor  
 John Birkmyre  
 Archibald M<sup>c</sup> Gee  
 Andrew Anderson  
 William Carson  
 Samuel Martin  
 Henry Pearson  
 William Wayland  
 James Jeenkin  
 Henry Edwards  
 Joshua Bryant  
 Robert Taylor  
 Giles Butterfield  
 John M<sup>c</sup> Intosh  
 Thomas Bodkin  
 Patrick Kewley  
 John Sharp  
 Thomas Martin  
 Thomas Mason  
 John Nunns  
 William Wallace  
 John Ireland  
 George Innes  
 John Malisson  
 Joseph Bodkin  
 David Clunie  
 John Stubbs  
 Philip Hooker  
 John Kerr  
 Archibald Hendry  
 James Paterson  
 John Collie  
 John Mitchell  
 Andrew Thomson  
 Hugh Chalmers  
 Edward Goffat  
 John Brown  
 Henry Tharft  
 John Hazel  
 George Malcolm

John Speck  
 William Laing  
 John Dawson  
 James Macanie  
 John Finnie  
 Matthew Lumsden  
 John Horne  
 James Stewart  
 John Hamilton  
 Alexander M<sup>c</sup> Kenzie  
 Charles Gordon  
 William Cooper  
 David Jones  
 Christopher Sweetman  
 George Doherty  
 George Corbut Crane  
 William Denoon  
 Robert Munro, A. P.  
 Thomas Scott, A. P.  
 James Spark  
 Jeremiah Green  
 William Waddie  
 Walter Hamilton  
 Walter Scott, A. P.  
 Roger Devreux  
 James M<sup>c</sup> Gowne  
 Alexander Harvie  
 John Hackrel  
 John Hanna  
 James Wilson  
 Charles Gilbert  
 Gavin Smith  
 John Hutchison  
 Thomas Grant  
 John Trotter  
 John Gordon  
 Lew. fr. Konig  
 William Juner  
 Matthew White  
 Robert Scott  
 John Park, A. P.  
 John Stephen, A. P.  
 Robert Glasgow  
 Christopher Airey, A. P.  
 Robert Chirry  
 James Brown

James Walden  
 William Deague  
 David Taylor  
 James Westland  
 James Begbie, A. P.  
 John Daires, A. P.  
 Arthur Tran  
 Richard Davies  
 Stephen Welch

Peter Ord  
 William Reid  
 Peter Maney  
 George Sim  
 Moritz Hardmann  
 John Williamson  
 John Semple  
 Simon French  
 George Burnel

N. B. Many others have signed this declaration, copies of whose names cannot yet be procured.

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To the PRINTER of the POLITICAL REGISTER.

S I R,

SOON after the accession of his present majesty, great pains were taken to propagate a declared intention of the court, to banish the very remembrance of party distinctions in this kingdom, by preferring to places of honour and emolument in the government, all persons of real merit and abilities, whether descended from families known to be avowedly in the interest of the Pretender, and against the Hanover succession, or from those who had ventured life and fortune to fix the crown on the head of George the First. The speciousness of this system of administration deceived many of the best judges of political affairs in this kingdom. They thought that the ground plot was laying of a glorious reign, of undisturbed union and harmony; and rejoiced to see a period put to those contentions and quarrels, which had so long subsisted between the two adverse parties called the *Whigs* and the *Tories*. But the mask soon dropped off, and convinced the deluded people, that a scheme was laid to dismiss from the service of the crown and the nation, every warm advocate for the rights and privileges of the people; and every friend to the house of Hanover, whose family had been conspicuous for the powerful aid given by them in parliament to the bill for securing the protestant succession, and seating a prince on the throne, who was the patron and restorer of those rights of the subject, which had always been invaded under the government of the Stuart line; and were never more endangered than at the close of the reign of the last sovereign of that race. It was now too clearly seen, that the Machievellian policy was adopted in the cabinet, and that under pretence of abolishing party distinctions, the most virtuous and powerful party

in the kingdom was to be entirely crushed, and the other exalted into the seat of power. Men who had wished and even drank destruction to the whole house of Hanover, were courted to accept of places, and the royal confidence was soon given to those, who were but one remove from open rebellion, and were actually secretly combined against the late king. A plan founded in singular ingratitude can never prosper, and accordingly we have seen nothing but anarchy and confusion in the internal administration of government from the moment it was determined by the head of the *Stuart* and *Tory* party, to affront, disgrace, oppress and ruin the king's real friends, and the peoples true advocates, the *Whigs*, the supporters of the house of Hanover, and of the freedom of the constitution. Party feuds and animosities in consequence of these measures have augmented, instead of being suppressed, and instead of having no party in the kingdom, as was expected, from the candid declaration of a young prince born and bred amongst us, we have the misfortune to find that there are actually no less than three strong parties at this time in opposition to each other.

The secret friends of the *Stuart* race: the avowed advocates for despotism we all know: and unhappily experience, that they have the weight of power and influence in the government.

A second party are opposers of these, and lukewarm friends to the cause of freedom: they have an eye to the great offices of state, and are determined not to excite the resentment of the throne, by going into any violent measures that may create personal disgust and aversion.

A third, attack both king and ministers indiscriminately; just steer clear of actual sedition, or treason; and appear resolutely bent on enlarging the bounds of civil liberty, at the expence of the prerogatives of the crown, and the established customs and usages of parliament. These are the blessed effects of the pretended abolition of parties. Never was a kingdom in a more distracted situation, nor so oddly circumstanced. For a prince of the house of Hanover is on the throne, and yet the government is administered on the very plan, in most respects, pursued by the *Stuart* king, who abdicated the throne, and paved the way for a revolution, which it was fondly hoped would have secured us for ages, the full enjoyment of our civil and religious liberties. The line of prerogative is stretched now beyond what it would bear in the time of the *Stuarts*; and in the opposite extreme, the coolness and disaffection to monarchy discoverable in the mass of the people, announces a strong propensity to a republican form of government. What will be the event of these divisions, heaven

ven only knows! but it is very evident that we have gained nothing by the system of destroying parties. We had better have remained classed under the two denominations of *Whigs* and *Tories*, than to have been branched out, by means of Lord Bute's politics—into Carlton house *Juntos*—*Chathamites*--*Rockinghamites*, *Shelburnites* and *Wilkites*--all of whom we are confidently told, have distinct, different views and interests.

But as the reigning party are obnoxious, (though in a greater or less degree) to all the others. I beg leave to trouble you with a sketch of their complexion, and if we may judge of them by their works—I think we may safely pronounce, that they exhibit a strong proof of the futility of the scheme for abolishing parties—they being the very prerogative Tories, in principles and conduct, so well known in history during the reigns of the Stuarts.

I could give you a variety of instances of the same arbitrary despotic rule, invasions of the rights of the people, and venal management of a certain great assembly in the present reign, as in that of James the Second. But I choose to confine myself to the repeated attempts to restrain the liberty of the press, and the chain of prosecutions carried on under different lines of direction against printers and publishers; there being no surer test of a Tory administration, or in other words, of a government founded in prerogative principles, and calculated to subvert the freedom, and independancy of the people.

The great leader of the Tory faction at the latter end of the reign of queen Anne was as violent an enemy to popular liberty, as Lord Chief Justice M——, or the ostensible minister Lord N——, but unfortunately for the people, they had not such illustrious guardians of their rights against the encroachments of prerogative, as we are blessed with. It may not therefore be improper at this crisis, to convince the supporters of the rights of the people, that by their spirited conduct, they have already gained ground of ministerial authority, and driven the despotic Junto to the necessity of throwing the odium of persecuting printers and publishers on the parliament. The usual modes of informations in the King's Bench; attachments; and warrants from the secretary of state's office failing them; they have taken a new method to controul the liberty of the press, by shifting the scene, and introducing their plan of despotism into the national assembly, to the astonishment and concern of all good men. For to sow division between the representatives of the people and their constituents, is a diabolical scheme to weaken the power of  
both;

both; it is therefore incumbent on the people, manfully to support the champions of their rights and privileges at this crisis, and it is no less the duty of all honest representatives of the people to guard against the ministerial artifice of extending the powers of parliament beyond the verge of the known laws of the land. For if parliaments are once made the engines of oppressing the people, England will indeed be undone, for its government will be arbitrary and absolute to all intents and purposes.

On the contrary, if the privileges of parliament, which affect the liberties of the people, are found to be contrary to law, and are therefore wisely given up, we may prophesy, that the liberty of the press will be firmly established and a patriotic ministry will soon follow. For a prerogative administration cannot subsist, when the press is free.

Great things have been done in this reign, to check, controul and limit ministerial power; and if the present point is gained; it will be impossible for any ministry to pretend to govern, by managing, (as they term it,) any house of commons.

That we may be encouraged to persist in the defence of the rights of the people, I have extracted from the records of those days, an account of the conduct of Lord Bolingbroke, Queen Anne's Tory minister, with respect to the liberty of the press. He like his brethren the present ministry could hardly let a month pass, without prosecuting some printer or publisher.

October 23d 1711, being the first day of term, fourteen booksellers, printers and publishers, who had then been lately taken up, and committed to the custody of messengers by Mr. Secretary St. John for printing and publishing, appeared at the bar of the Queen's Bench. Mr. Darby was amongst them, committed to Newgate only for printing an account of a translation of that passage in Tacitus, which relates in what manner Cælius Bassus deceived the emperor Nero, with the promise of an immense, but imaginary treasure. This was *interpreted* as a *libel* upon the then new project of the south sea scheme.

On the 3d of December following, Mrs. Popping a publisher was committed to Newgate by a *warrant* from the same secretary of state for publishing a paper called, *the protestant post boy*; and the printer was taken into custody of a messenger.

September 4th, 1712. Hurt the printer was committed to Newgate, by a *warrant* from Lord Bolingbroke, for printing and publishing, *the Flying Post*.

And



And on the 8th of the same month, George Ridpath was committed to Newgate *in the same manner*, and on the same account, January 15, 1713, Baker the publisher was summoned to the Lord Bolingbroke's office, on account of a ludicrous pamphlet on which occasion discovering that the author was Thomas Burnet Esquire, he was discharged: but on the 24th of the same month, his lordship issued *his warrant* against Mr. Burnet, and obliged him to give bail for his appearance at the *Queen's Bench* bar.

February 21st, George Ridpath was tried and convicted at Guildhall, on the attorney general's information for three libels, published in the Flying Post, which information set forth—that a negotiation of peace being on foot, the defendant (being a notorious inventor and framer of libels) did publish those laid in the information, to stir up the people to a seditious dislike of the said negotiations; and a rule of court being made that he should appear in the Queen's Bench on the first of May following, he withdrew from the violence of the prosecution, and his recognizances to the amount of six hundred pounds were estreated, and paid. Yet on the 19th of May, *an advertisement was inserted in the London Gazette promising a reward of one hundred pounds, for the discovering and apprehending the said Ridpath.*

June 24th, Hurt received sentence for printing, *the British Ambassador's speech to the French king*; and was adjudged to stand *three times* in the pillory, to pay a fine of 50*l.* to be imprisoned two years, and till he could find sureties for his good behaviour during life.

About the latter end of July 1713, three messengers and a constable apprehended Baker the publisher, by *warrant* from the secretary of state, for a pamphlet concerning *the French commerce bill*, but when this impartial minister found he was a Tory, he kindly discharged him.

It is remarkable, that these warrants were served in the city without obstruction, both Baker and Ridpath being citizens, residing within the walls of the city.

But to this tory minister, and to this period, we stand indebted for a measure, which was intended to check the liberty of the press, by indirect means: for, after he and his colleagues in power had engaged the queen to complain of the licentiousness of the press, and had carried two bills into the house of commons to restrain the liberty of printing and publishing, their own party mutinied against them, and obliged them to give it up.

In the end, an expedient was agreed upon, which was to refer the last bill to a committee of supply, where it being taken into consideration, they imposed the duty on all printed papers;

papers ; and this they hoped would curb the press in some measure, by loading it with a new charge. So that the *tax* we pay at this instant for *stamps* on all single sheets and half-sheets of news-papers, is the effect of lord Bolingbroke's zeal against the liberty of the press ; and every stamp impressed on our papers, is a memorial of that despotic minister's labours to take away this valuable right.

I hope, Sir, this specimen of the general disposition of tory ministers to enslave the people, will put us upon our guard with respect to the violent measures of our present administration ; and that we shall not be persuaded to drop those laudable distinctions, under the pretence of abolishing parties, which served to point out the difference between the friends of liberty on revolution principles, and the abettors of arbitrary power, on the prerogative system of the Stuarts.

*Reading, March 20th.*

THEMISTOCLES.

*To the Printer of the POLITICAL REGISTER.*

AS the power of the rules and orders of the house of commons, over the people, with the collateral power of proclamations, are at present much canvassed, we shall lay before the public, a decision on that point, by that great, and constitutional judge, lord chief justice Holt.

“ In the reign of queen Anne, in 1704, several freemen of the borough of Aylesbury, had been refused the liberty of voting at an election for a member of parliament, though they proved their qualifications as such : the law, in this case, imposes a fine on the returning officer, of 100*l.* for every such offence. On this principle, they applied to lord chief justice Holt, who desired the officer to be arrested. The house of commons, alarmed at this step ; made an order of their house, to make it penal for either judge, council, or attorney, to assist at the trial ; however, the lord chief justice, and several lawyers, were hardy enough to oppose this order, and brought it on in the King's-Bench. The house, highly irritated at this contempt of their orders, sent a serjeant at arms for the judge to appear before them ; but that resolute defender of the laws bade him, with a voice of authority, begone ; on which they sent a second message by their speaker, attended by as many members as espoused the measure. After the Speaker had delivered his message, his lordship replied to him, in these remarkable words ; ‘ Go back to your chair, Mr. Speaker, within these five minutes, or you may depend on’t I’ll send you to Newgate ; you speak of your authority, but I tell you, I sit here as an interpreter of the laws, and a distributor of justice, and, were the whole house of commons in your belly, I will not stir one foot.’ The speaker was prudent enough to retire, and the house were equally prudent to let the affair drop.”

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*The Address of the GENIUS of BRITAIN, to the once  
virtuous and truly noble Britons.*

**O**H cruel, cruel fate! or rather, oh deep, wonderful, unsearching workings of providence! The best of princes confessed by you all, yet meets with the worst, the severest treatment: and what is equally incomprehensible, though you are also the best of people, according to your own estimation, and as you would fain persuade me to believe, yet you still continue a divided, distracted, unhappy nation!

Whence comes it then, I pray, that being thus doubly blessed with a patriotic prince, and a no less patriotic people, that all parts of your great empire, should be so full of real or imaginary calamities and heavy complaints and accusations made to me, from time to time, inasmuch, that if I thought any thing of serving you, at any rate, I should say, you rather too much molest me, in my sacred solitude, and too often break the chain of my sweet contemplations?

The p—m—t house! the p—m—t house; all cry out, and tell me, with a loud and clamorous voice, is that *Pandora's box*, from whence your numerous evils have flown out, and which it seems are now wantoning and rioting about every part of the kingdom, and cannot be coaxed together again, and caught, in order to be once more close shut up in this fatal box, which has proved so full of mischiefs, dire mishaps, and cruel vexations to the whole British nation.

Alas! alas! a most mourning ditty this, indeed; and enough to melt an heart of stone, let alone my tender heart, if all is true; but indeed in these credulous as well as wicked times, pardon me, if I can hardly believe all you tell me, about this very same box, it is so wonderful.

But poor P—m—t, what hast thou for to say before these thy accusers, the tremendous public; Thou hankest down thy head, I see, and art quite mute and dumb; though surely none of you, its members, were ever disciples of that utter abhorrer of corruption, and great lover of silence and wisdom the divine Pythagoras! Were you? I knew him well, and by a sympathetic union of hearts, loved him beyond expression.—But surprising, you are silent still! so that I do not well know what to think or make of you all! Since then, dear P—m—t, I find thou canst not plead thy own cause, shall I be thy humble, yet I hope prevailing advocate? As I have been very lately twice or thrice a very successful one (without fee or reward) for my mild and favourite ministry; whom I  
will

will still love on, in despite of all opposition, because of their pacific dispositions; and you would all love and admire them too, as much as me, had you but half of that milk of human kindness in your breasts as is in mine and theirs.

But to my province of advocate to your much abused, brow-beaten p—m—t. Well then! what though, for once I should freely grant you, that a vast load of national guilt falls to its share; what then? Will it not greatly extenuate their guilt, if I can demonstrate that you, the people, are as deep in the *mud* as they are in the *mire*? And that is all at this time I shall pretend to do. For as I am young among you, and of a tender frame and spirit, I shall not wander out of my path to sacrifice the truth deliberately for any body of men in the world. No, patriotism, itself! that great idol of your brain, shall not persuade me to lift up my voice in its behalf, where I find I cannot maintain its cause with a good conscience. This would be acting the part of a greedy crown lawyer, so intent upon his fees, as to plead the cause, which his own heart tells him to drop. An innocent and good heart! what joy, what comfort dost thou not afford to him who is possessed of that inestimable jewel? and that is all I possess, for silver or gold I have none, though you see me so happy; and which is a full proof that happiness does not consist in riches, though I know you practically differ vastly with me in this point; but the great teacher Death, you may be assured, will undeceive you all.

But pardon me; I fear you will think me too long in proving, that if your p—m—t has been somewhat naughty, that you cannot boast of being altogether blameless and immaculate. Let me then, I pray you, ask you these questions:

*First*, Did not you, by general consent, voluntarily chuse this your present much abused p—m—t?

*Secondly*, Did you not also well know what sort of folks they would turn out, as the greatest part of its members composed the very p—m—t before, that composes the present one; and which you so blessed, when their time of sitting was elapsed?

*Thirdly*, Did this present parliament, any more than that, ever promise you any great matters? on the contrary, have not both of them acted in the self-same uniform delightful manner, minding your clamours no more than the silent moon does the barking of a dog? and if they should come at last to a determined resolution of shutting you out of the senate, and depriving you of hearing with rapture and astonishment their pure Ciceronian eloquence, and profound national determinations,

determinations, as well as publishing their marvellous speeches, you richly deserve it all, as you have no creature to thank for these things but yourselves. With respect to myself, I hope if that fatal day comes, my spirits will not be so much affected as to make me swoon away, at being deprived of so much bliss; though how that may be I cannot absolutely tell you, since I now feel for, and pity your poor innocent printers, when I see them hunted and ferretted about, and worried almost out of their seven senses, as the consequence of your sad deplorable degeneracy.

*Fourthly,* But I have not done with you yet. As I always love strenuously to defend the cause of the weak and helpless, I must further ask you, why you bear so hard on your meek and defenceless P—m—t? Are there not those among you called Nabob-makers, who not only kidnap you in their streets, and most barbarously shut you up in lock up houses, but invade the common rights of humanity, and even make and unmake Asiatic Kings, according to their despotic will and pleasure? Why do not you attend, and strictly watch their motions? Heaven forbid, that the accursed love of gold should have so blinded a whole nation's eyes, that you should approve of their proceedings; or that by your venality, corruption, and luxury, you should attempt to repair your shattered fortunes, or prop up, or desperately support a rotten falling state, by such measures and maxims as highwaymen and robbers could hardly reconcile to their consciences.

O what carnage, plunder, and wide devastation has not been committed under the sanction and authority of these Nabob makers, in a far distant part of the world! where it was cruel, cruel, in you, to go upon any other errand than a mutual exchange of good offices with the natives, and diffusing the glad tidings of the gospel of peace: peace on earth, and good will towards man, according to the exalted precepts of christianity. But why do I talk to you of christianity? Where is the land of christians? I have been seeking for it ever since I came among you, all Europe through; but all in vain; I can find it no where! Christianity, I know, is professed by your tongues; but its vital principle, and transforming power ruling in your hearts, is disowned and abhorred almost by you all, priests and people, and an insatiable worldly spirit has absorbed all the noble powers of your souls; so that the poor untutored Indians, before the Europeans thirsted after their gold, and debauched their manners, were fuller of simplicity, innocence, and love, than you are; and consequently more fit for the blest abodes; for love, innocence, and simplicity (whatever you may think of them) are the indis-

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sable

dispensable qualifications to be admitted into the regions of immortality. O! may the bright beams of the gospel of peace and truth pierce into the dark dungeon of your souls, and shine up therein, and illuminate your clouded minds, that you may have an inward, deep conviction, that what, with so much good will, I am now saying to you, is the truth; and what you are now doing, both at home and abroad, is contrary to the voice of God and nature, and implanted in your hearts, and therefore must, if obstinately persisted in, out of a wicked, greedy, worldly spirit, terminate in national misery and destruction.

These few things brought to your remembrance, if not home to your hearts, is surely sufficient to silence the voice of clamour and complaint in your streets, and dispose you and your p—t to look more sweetly on each other than they have lately done, since if guilt, like an inundation, has overflowed your land, you see, when matters are examined to the bottom, that no one part of the body politic can justly accuse the other without passing the severest sentence of condemnation on themselves; your good and gracious Prince only excepted, who has perhaps proved himself more the father of his people, in refusing, than he would have done in granting you your late request. For to what purpose would it have been to have dissolved the p—m—t of your own choice, if you have not national virtue sufficient to elect a better in its room? which, all passion apart between you and me, is a very doubtful point. I myself, who am brim full of patriotism, ingenuously confess to you, I should have been full of ten thousand anxieties, lest, on the trying occasion, had your request been complied with, patriotism should have received such an overthrow, as would have overwhelmed it with horror, shame, and confusion of face; though I hope it would not have received its death's blow, and been sent to the silent grave, where many who glory in the name of Britons (to their shame be it spoken) heartily wish it.

And believe me, when I take a strict survey of things, that have passed betwixt you and your poor despised p—m—t, ever since you begged and prayed, and prayed and begged again, for its dissolution, I am confirmed more and more in my suspicions and dreads abovementioned.

Are not, I pray, your members of p—m—t continually vacating their seats, in order to their accepting of lucrative places under my favourite ministry? and do not you, their electors, as constantly re-elect the self-same members again? notwithstanding, from the hour of their commencing place-men (especially at this period) they are, you say no more  
Britons

Britons but slaves, and are ready to sell your rights and liberties, nay, and you also into the bargain; to what you are pleased to call, in open defiance of me, the most venal and corrupt ministry that ever existed, having greatly improved upon his plan who was emphatically stiled, the grandfather of corruption.

Is not what have here laid before you real fact? how can you then, with any manner of grace, weary out your good monarch with repeated petitions, &c. &c. &c. or me with continual complaints, or call your poor p—m—t venal? when you, the body of the people, (I speak it with fear and trembling, ye high and mighty lords) are apparently as venal as them; and perhaps never were more truly represented than at present, should I grant you for once, what you tell me of them is not in the least exaggerated. And if this was not a melancholy truth, I most humbly submit to you, whether you might not have had a free p—m—t by members vacating of their seats long before now: for as soon as your p—m—t saw you was determined to admit no rotten member into the house you cannot imagine how it would have operated through the whole body like a magic charm. In a word, do you be what you ought to be and what your great ancestors were, virtuous and truly noble, denying your ungodly lusts and passions, and then you will soon make the wicked, however great, to tremble. At present they secretly deride you, and laugh you to scorn; because they know that you have no more than themselves, made your hearts a fit temple, for god-like virtue to dwell in. And when the great day of trial (the next general election) comes, I confess I dread lest you should not have national integrity left to do that justice to your country, which she so greatly demands at your hands. I shall sincerely rejoice to find my fears and suspicions groundless, and have done every thing in my power that they may prove such, as (take notice) I will be entirely blameless.

Here I should have gladly ended, but as I have pleaded your p—m—t's cause, much I hope to their and your satisfaction, and taught you to be (if you have hearts to receive it) once more an united, great and happy people, so I have the pleasing thoughts you will not think much of granting me one favour; which is to do all the possible good you can to yourselves, by being tender hearted and doing good to the poor; which, I fear, by the despotic complexion of the great, and the deep, subtle, worldly and trading spirit that would grasp all into its own voracious jaws (and which reigns in town and country) will, in time, be one half of the nation,

And,

And, O dear p—m—t, in particular, I beg in return for my favour and affection testified to you, you will in return, for once, do for my sake, what you never did before, that I remember; that is, lay taxes and duties as light as possible you can on the poor and needy, and as heavy on the rich and yourselves as ever you please; for you both can bear heavy burthens on your shoulders, but they cannot; they have been so prodigiously oppressed and squeezed throughout the kingdom already, to support some peoples prodigality and voluptuousness. And pray let me never hear more that any one among you who is blessed with the world's goods, ever turn his face away from a poor man, lest he should curse him in the bitterness of his soul, and his heavenly father should turn his face away from that man, in his day of want, or bed of sickness.

To conclude, when the awful summons comes, may your hearts be found full of piety, and that you have abounded in good works. Devotion unites you to God, and charity to each other; and on their wings, you will be securely wafted up to those blissful mansions where I and my dear companions live together in so much sweet love and union; every one being studious to add to each others happiness. But as we can never be completely happy without you all with us, they send their dear loves to you, by me; and intreat you, if you have any real love for them, or yourselves, you would drop all national and political animosities, and strive to be good and virtuous; (abhorring from the very bottom of your hearts, your having plundered the treasuries of the Asiatic princes; thereby having violated the sacred duty of doing to others, as you would be done unto yourselves) that we may all of us together enjoy a fullness of happiness to all eternity. Dear hearts, adieu!

THE GENIUS OF BRITAIN.

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To the Right Honourable LORD NORTH.

MY LORD,

*Oxon, March 2, 1771.*

**T**O you, as to the supreme director of public business, every subject has an indisputable right to make his appeal. From you every subject has the same right to expect and demand an explicit and decisive information of the various measures of government, whether in agitation or execution. The very nature of your office, my Lord, makes such a reciprocal intercourse and communication between the governors and governed, indispensably necessary. Every artifice or subterfuge, therefore, to evade or preclude such communicative



municative connection, ought instantly to be pronounced a breach of trust in the responsible minister, and a subsequent examination and scrutiny should fix and determine the criminality of his conduct. But, my Lord, instead of adopting a measure so expedient and essential to the preservation of public confidence and tranquillity; instead of adopting a measure so beneficial to the nation, and so consistent with the spirit and genius of an independent people, you are wilfully and wickedly straining every nerve of despotism, and every engine of oppression, if not totally to exterminate, at least dangerously and destructively to restrain and circumscribe the liberty of the press; the free and unlimited exercise of which, denominates this country a land of liberty and independence, and which alone makes the glorious distinction between abject slaves and freeborn subjects. If you could be successful enough in this dark and diabolical project, to accomplish your traiterous intentions, the system of slavery, so long aimed at, would be effectually established and completed. But, my Lord, there is in this country wisdom to perceive, and courage to prevent and punish those who dare attempt such unjustifiable practices. Every stratagem of cunning, deception, and intimidation, may be tried and exerted, but in vain. Court lawyers may avow, a slavish majority of venal parricides, whom you have the glory to govern, may approve and enforce the necessity and expediency of such a limitation; but Englishmen, my Lord, would never be reconciled to, or suffer such an audacious restriction and diminution of their noble and invaluable privileges. British courage is too deeply interwoven with British freedom, to bear tamely so ignominious a stigma.

Not satisfied with the daring attack made upon that fundamental privilege, the freedom of the press, at the instigation of court influence by that compact body of chicanery, circumvention, and sophistry, the inglorious M——d, and the meritorious resistance and repulse it met with in Westminster-hall, but you now, in open defiance of the whole nation, and in express violation of the great charter of liberty, assume in the House of Commons a power to apprehend, commit, and imprison, the persons of free-born Englishmen, during the tyrannical pleasure of that self-existent assembly; a power, which only can be executed under the sanction of the three legislative branches; a power, which if not timely checked and suppressed, will sap the very being of that constitution, which it ought to cherish and protect. Is this, my Lord, your love for your country? Is this your boasted veneration for our excellent constitution? Is this defending  
your

your fellow-subjects from the relics of Star-Chamber inquisitions? For shame, my Lord! have some regard for your flimsy reputation, have some regard for the safety of your own person.

To scrutinize into the conduct, and to reprehend the malversations of ministers; to investigate the causes, and to assuage the violence of public discontent, are the great blessings resulting from that privilege, which you are now pursuing to destruction. What, my Lord, can this rancorous hatred and vindictive inclination proceed from? The reason I fear is but too obvious. The publications of your political sentiments, on points of the greatest moment; the exposing your ministerial principles and plan of operations to public inspection, is thought sufficient to draw down upon the unhappy culprits, that vengeance and resentment which nothing can soften or appease. The irreconcilable antipathy to such a publication, which is so expressive of your sentiments, implies a consciousness of guilt, and indicates a cowardly timidity of facing the people. An honest and an upright man, my Lord, rather than suppress, would do all in his power to promote and encourage the circulation of his sentiments. Secure in the possession of an undefiled conscience, he would meet the invectives of party spleen with pleasure, and bear their undeserved reproaches and malevolence with complacency and indifference. Unfortunately for you, my Lord, guilt and ignominy prey perpetually upon your mind. Your meat and your drink, is a compound of terror, fear, and confusion.

Before I leave your Lordship, I have a few words to impart to your consideration. Pluming yourself upon your dreaded authority as ostensible minister, you presume to dictate to, and demand of the nation, an implicit confidence and submission in all your political and sophistical manoeuvres. But, my Lord, compulsory compliance and approbation is both dangerous and uncertain. Force may excite fear, but can neither command respect nor enforce obedience. To govern with condescension and mildness, is to govern with wisdom and discretion. Rigour and severity produce resistance and obstinacy, and terminate in distress, anarchy, and ruin. Power and dignity, my Lord, are capricious and temporary, but disgrace and obloquy will stand upon record so long as time shall endure. If you would purchase glory, let that bright diadem, justice, be your price, whose lustre time cannot fully, or malevolent invidious reflections depreciate its intrinsic value. To amass riches clandestinely and unfairly, is to hoard up for your descendants a stock of disgrace and infamy, never to be diminished or concealed.

SERUS.

## To the PRINTER of the POLITICAL REGISTER.

S I R,

**U**NDER the cloak of better recruiting the forces in India, belonging to the East-India Company, the constitution of this kingdom is going to receive a mortal wound; for, by their bill now depending, a number of foreign troops are to be brought into and constantly kept up in England. This is the most open and most daring attack upon the rights and liberties of Englishmen, that ever any Minister had the assurance to attempt. It is raising an army, which the people are not to pay, and consequently will obey the orders of those who do pay them, let them be ever so illegal, cruel, and tyrannical.

It is of no moment to say, that this unconstitutional army is to consist of no more than two thousand men, and that one third part of them only are to be *foreign troops*; for arbitrary power is, by nature, ever increasing itself; and if we tamely suffer two thousand, or any number of soldiers, especially *foreign ones*, to be kept up in England, unpaid by the people, and to be employed at the Minister's discretion, we may depend upon it, that such army will soon be augmented so far, as to put the finishing blow to all the rights and liberties of this nation. On this important matter, I will speak my mind freely, as an Englishman hath a right to do, and ought to do; and my sentiments are, Sir, that the Minister who shall attempt to obtain a law for bringing and keeping up a body of foreign soldiers in England, is guilty of high treason against the constitution of this country. And should the Minister, by means too well known, procure such a law to be made, I do assert, it would be null and void of itself, as such a law would be totally contrary to and subversive of the constitution. It is no difficult matter to guess where this illegal and arbitrary plan was hatched, as it perfectly agrees with the principles, and all the proceedings of the Thane. But whatsoever he, and his corrupt adherents may think, the people of England have yet virtue enough to stand up in defence of their rights and liberties, and to maintain them against all tyrannical attempts.

An ENGLISHMAN.

P. S. I have asserted, that such a law would, if enacted, be null and void of itself, and for this plain reason, because the people of England have delegated to the representatives a power only of giving their consents to such laws, as may be beneficial to them, and proper to defend and preserve their  
rights

rights and liberties ; but none to give their consents to laws, that may be injurious to them, or have a tendency to deprive them of their freedom, and destroy their constitution.

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EXTRACT of a Letter from UTOPIA, dated March 24, 1444.

‘ YESTERDAY the Assizes began here, when the following Prisoners were tried.—JOHN TROTT, an honest Farmer, was indicted for the horrid, barbarous, cruel, and inhuman crime of eating roast beef.—The judge, in his charge to the jury, instructed them to bring him in guilty ; but the foreman, as much surpris’d at the instructions as all the town was at the prosecution, ventured to tell the court he imagined eating roast beef was not contrary to law, and that though the fact was proved, they could not bring the prisoner in guilty of a horrid, barbarous, cruel, and inhuman crime. The judge replied they were only words of course, nothing more than an inference in law ; that the jury had only to find the fact ; as laid in the indictment, and to leave the punishment to the clemency of the court. N. B. The prisoner voted against Lord Cormorant’s steward.

‘ DONALD MAC RUFFIAN, a soldier in the royal guards, was indicted for the murder of David Thimble, an industrious taylor, by forcibly entering his dwelling-house, and stabbing him through the heart with a bayonet as he was at work on his shop-board. The judge in his charge explained, with his usual acuteness and humanity, the difference between wilful murder, man-slaughter, and self-defence, and concluded with saying, “ that as the taylor had his bodkin in his hand, (which, he had quoted a great poet to prove, might be made an instrument of death) it might have been employed against the prisoner’s life, and that they must bring in their verdict self-defence.” N. B. The prisoner’s sister is kept by Lord Lackland.

‘ Some people here are of opinion that the judge has brought down a code of new laws ; others think they are such as were worn out and obsolete, which had been long laid aside, and that he and his clerk, after brushing off the dust, have filled up themselves what they could not make out.

\* \* \* *Our readers will not want a key to this curious piece of sterling wit, and sound argument, if they recollect—the law of Libels, as delivered to the house of lords, by a chief justice on a late occasion : our plate likewise will help them to an elucidation of the subject.*

*To the Right Honourable the Lord Mayor of the City of London, and Aldermen Wilkes and Oliver;*

*The following Remarks are humbly submitted.*

PROCLAMATIONS *have not the FORCE of LAW.*

**P**ROCLAMATIONS, at best, are but instruments made use of by advice of council, to enforce some particular law; by pointing out to the people the necessity of a conformity to that law. If they are not founded on this principle, the subject is by no means obliged to obey them, and the counsellors deserve punishment for issuing such proclamations.

Laws are either immemorial customs, or statutes; the first have their beginning and continuance from the laws of nature, and the universal consent of the nation; the latter receive their authority from the three estates of the *realm*, known by the name of parliament; these are, under God, the best defence of our lives, liberty, and estates: they proceed not from the blind, corrupt and fluctuating *humour* of *one man*, or even a single branch of the legislature; but from the mature deliberation of the three estates, grounded on the common *consent* of the people.

Our ancestors have always relied upon these laws; and it is to be hoped, that by *your* example, *we* shall not be so deprived, of courage, common sense, and honesty, as to suffer ourselves to be cheated of that inheritance, which they have so frequently, so bravely and so constantly defended.

If proclamations are suffered to obtain the power of laws, the *intended* business is done; because they may be so ingeniously construed, that the ancient laws, the barriers of our liberty, may at one stroke be rendered of no effect. The next transition is easy; the *will* of the monarch, signified by his arbitrary dictates, must then be obeyed.

The same reasoning holds good with respect to any *other* branch of the legislature; for if the king, who, according to Sir William Temple, is the head of the body politic, be restrained by the laws from committing violence on the property or privileges of the subject, it would be the height of absurdity to suppose that any other *part* of that body should exercise an authority which is not allowable, even in their superior.

Take an example from holy writ of the evil tendency of proclamations; we find it in the book of Esther: a wicked villain

villains having filled the ears of a *foolish* king, with a false story of the Jews, he issues out a proclamation for their utter extirpation, and not long after being informed of the *truth*, in return he gave the Jews liberty by another proclamation to destroy whom they pleased; upon which near seventy thousand were put to death—take an instance of despotic power from the same book; a dancing harlot pleased Herod, and the most admirable of all human heads, the head of St. John, was offered as a sacrifice to the rage of her impure mother. I need not mention modern history to corroborate this fact; the feelings of every Englishman, founded on the laws of nature, are sufficient evidences to evince this matter.

But let us now turn from the dictates of reason to the laws of our country, which were devised for the purposes of preserving the people of this country from arbitrary power, and by the 25th Ed. III. chap. iv.—There is this remarkable clause—"It is accorded, assented and established, that from henceforth, none shall be taken *by petition or suggestion made to the Lord our king*, unless it be by indictment or presentment of good and lawful people of the same neighbourhood, nor that none be deprived of his franchises (liberties) or freeholds, unless by due course of law." This is a notable statute, confirmed 29th article of Henry the Third's great charter; and this was also confirmed by an act of the 28th year of the same reign. "No man of what estate or condition that he be, shall be *taken or imprisoned*, without being brought in to answer by due process of law."

Thus anxious were our ancestors in preserving the liberty of Englishmen from all restraint *whatever*, without being authorized by *positive* laws. Indeed in the reign of Charles I. the welfare of our country was not entirely forgot; for we find by the petition of right presented to that prince by the *commons*, after enumerating various complaints, by the 10th article of that petition, the commons desire that "no freeman be imprisoned or detained against *law*; nor that any of his majesty's subjects be destroyed contrary to the laws and franchises of the land:" to which his majesty made answer, that right should be done according to the laws of the land; which his conscience as well as prerogative, obliged him to preserve; but the *faithful* commons not being contented, desiring a further answer, the clerk of the parliament read the following, "*Let right be done as is desired.*"

I have made use of these observations to convince the world that *you* have, in your departments acted legally, that this country

country once had a house of commons who *represented* the people, and that every freeman is amenable to no power but the laws of his country.

I remain with respect,  
Your very humble Servant,  
*A Devonshire-Freeholder.*

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*Case of J. WHEBLE Publisher of the MIDDLESEX JOURNAL, with Mr. MORRIS'S opinion.*

*Copy of Mr. Wheble's letter to the Speaker of the House of Commons.*

*To the Right Honourable Sir FLETCHER NORTON Knt.  
Speaker of the House of Commons.*

S I R,

ON my return last Monday night from the country, whether my business had carried me, I was much astonished to be informed that some persons, pretending to be the deputy Serjeant and Messengers of the House of Commons, had called several times at my house in my absence, declaring their intention to take me into custody by virtue of a pretended warrant from you; and that a writing had appeared in the Gazette, under the form of a pretended Proclamation by his Majesty's authority, to order all his Majesty's loving subjects to apprehend John Wheble; and to forbid all persons to conceal him at their peril. In consequence of this information, being better versed in printing than in law, I thought it proper to take the advice of counsel learned in the law upon my case; being desirous to yield an entire submission to the laws of my country, and knowing no reason why I should conceal myself, or why I should be apprehended, having never been guilty of any breach of those laws. Inclosed I have sent you a copy of my counsel's opinion, which I humbly desire you to lay before the House, and to inform the Honourable House, that I am determined to yield no obedience but to the laws of the land, and shall therefore abide by my learned counsel's opinion.

I am, in all lawful commands,  
your Honour's humble servant,  
*Pater-noster-Row,*  
*March 14, 1771.* J. WHEBLE.

CASE

## CASE for Mr. MORRIS's OPINION.

*Jovis 21 die Februarij, 1771.*

Ordered, That J. Wheble do attend this House upon Tuesday morning next.

Ordered, That the service of the said Order, by leaving a Copy of the same at the usual place of abode of the said J. Wheble, be deemed equal to personal service, and be good service.

(Copy.)

J. HATSELL, Cl. Dom. Com.

THE above writing, which is by some supposed to be a copy of an order, or pretended order, of the House of Commons, was left, upon Friday, February 22, 1771, at the house of Mr. Wheble, within the City of London, being put into the hands of one of his servants by a person who stiled himself Messenger to the House of Commons.

Upon Thursday, February 28, a person called at Mr. Wheble's house, and shewed a paper-writing, which he pretended to be some warrant or authority from the Speaker of the House of Commons, directing him to take John Wheble into custody, for his contempt in not obeying the orders of the House for his attendance on that House.

Upon Saturday, March 9, a paper, in the form of a Royal Proclamation, appeared in the Gazette, intituled, By the King a Proclamation for apprehending John Wheble and R. Thompson\*.

Mr. Wheble did not appear to the above summons, neither has he been apprehended upon the pretended warrant of the Speaker, or the pretended Proclamation.

## Q U E S T I O N S.

Qu. I. Suppose the paper-writing first above-mentioned to be a copy of a genuine order of the House of Commons, is John Wheble, at whose house the same was left, by law requirable to attend agreeable to the tenor thereof?

Qu. II. If John Wheble is so requirable to attend by law, he having neglected so to do, what penalties is he liable to, and by what means would it have been legal to proceed against him?

Qu. III. If the pretended warrant of the Speaker is authentic, was John Wheble obliged to pay obedience thereto, by surrendering himself a prisoner to the person who carried with

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\* See a copy of the Proclamation subjoined.



with him the same, and called himself a Messenger of the House?

Qu. IV. Taking the paper which appeared in the Gazette really to be the King's Proclamation, is the same a legal process, and a sufficient warrant to such as may venture to act under it?

Upon the whole, Mr. Morris is desired to give his opinion on the above stated case to Mr. Wheble, and as counsel to advise what conduct he ought by law to observe upon this occasion.

#### MR. MORRIS'S OPINION.

**I** HAVE attentively perused the above written case, and tho' from the bad designs which appear to be formed against the liberties of the people, there may be danger in giving opinion, which some of my profession would chuse to avoid, I shall, as it becomes an honest and firm man, proceed to give Mr. Wheble my counsel, without attention to any other object than the laws and constitution of this free country.

#### A N S W E R S.

To the first question, I am most clearly and decisively of opinion, that Mr. Wheble is not compellable by law to attend the House of Commons, in pursuance of the written order above stated. If the grounds upon which the order of attendance was issued by the House of Commons, had been made part of the present case, I would then give my opinion, whether that Assembly had any authority at all, or in what cases to compel an attendance upon them; but, as they are not, I must take up the matter upon the summons alone. It is now, therefore, of no consequence what was the cause that required attendance; because I, as counsel, can take as little notice of it upon the case before me, as Mr. Wheble could upon a fight of the summons, beyond which he had no need to look. The order itself is worded in so injudicial and unclerk-like a manner, that it is covered with objections, almost from the first letter to the last. (1) I know not that an Englishman is required to understand Latin, especially since the act of Parliament, that all process of the law should be in English, and in no other language whatsoever, amongst other process orders being particularly enumerated, if this order be not a process of law, it can have no effect; and if it is, it ought to be in English; whereas the order in question, contains words in a strange language, without having the exemption of being technical Latin words. (2.) J. Wheble is a description of nobody, it might as well have been written Eye Wheble, or Nose Wheble; either of them would be as much the name of John Wheble as the former. Besides, a person is not legally

gally named, without a proper addition of quality and abode which is not so much as attempted at in this pretended order. (3) The place of attendance is not sufficiently exprest; *this House* is more properly the house of John Wheble, where the order was left, than any other house, for there is no date of place to the order; Mr. Wheble, therefore, best attended this order, by staying at home. (4) The date of *time* being expressed in a foreign tongue, which an Englishman need not understand or attend to, the day of attendance became consequently uncertain; *Tuesday morning next*, having no day which it is next to follow. (5) Another objection lies to this part of the order, that the morning of a day is too indefinite to fix an attendance; the law requiring, that an hour, as well as a day, should be specified in every order of attendance. (6) If the House of Commons had power to issue this summons, it ought to be signed by the Speaker, and not by a person using certain cabalistical expressions, which may *possibly* be construed to mean Clerk of the House of Commons. The Speaker ought also to recite, that he had an express authority given him by the House, before he presumes to issue any summons or warrant whatsoever. It is the office of the Speaker, and not of the Clerk, to authenticate the acts of the House. (7) But the greatest of objections to the order, lies in the want of expressing the *cause* upon which the attendance is required. It cannot be pretended, by any person, that the House of Commons have an arbitrary right to require the attendance of man, woman, or child, at their pleasure, without having any parliamentary cause whatsoever for such an attendance. There may be such a thing as a summons (issued by the Commons) illegal for want of jurisdiction; the cause of attendance should be expressed; that the party upon whom it was served, or others, where it concerned them, might judge whether the cause of attendance was legal and sufficient for the summons. That cause not being expressed, it must be taken to be illegal and insufficient; from the maxim of the law, "that the same rule holds with respect to those matters which do not *appear*, as to those which do not *exist*;" the fact, upon the face of the order, it appears to be illegal, and what Mr. Wheble neither needed, or ought to have obeyed.

2d. Qu. The first question being answered in the negative, the second requires no consideration; but if the attendance was legally requireable, pursuant to the above order, it would not be difficult to shew what penalties the refusing party would be liable to upon resort to the legal courts of justice, which have cognizance of such offences.

3d. Qu. If the summons be invalid, the subsequent warrant by the Speaker must necessarily be invalid also; for the defects of the summons were not cured by any appearance of Mr. Wheble. A form of a warrant no more makes a legal authority (for so much the word imports) than a constable's staff makes a peace-officer. If the warrant were legal, a messenger of the House is not a proper person for executing it; but only the Serjeant at Arms, and the Deputy Serjeant. But these are trifles with respect to the question; for the answer is most plain and positive, that the Speaker of the House of Commons is no more a magistrate appointed to issue warrants of *apprehension* than the House itself is a Court of justice appointed to *punish*. Neither one or the other have those powers; and when they usurp them, the people have a right to treat them as invaders of their liberties, particularly the immediate object of the tyranny has authority by the law of this country, and by the law of God, to defend his liberty and person by *force and arms* against such illegal attempts, though he should be obliged to sacrifice, in the protection of himself from the violence, all the Serjeants, all the Messengers, and even the Speaker himself of the House of Commons.—I must add, that a warrant of *apprehension*, grounded upon a supposed *contempt*, always carries with it an argument against its own legality. No *contempts* of the House of Commons are *punishable* by themselves; they can only *restrain* instant and open *contempts* committed by the party in the face of the House. A warrant to *apprehend* shows that the party does not, in the presence of the House, *disturb* its debates or *obstruct* its authority; such being the only legal idea of a *contempt*.

4th. Qu. This question admits of no hesitation or dispute. The pretended Proclamation of the King is clearly illegal. Proclamations have no intrinsic force in this country; nor have they any at all but by special Act of Parliament. They may serve at other times to intimate to the people the necessity and inclination of the Prince to put particular laws into execution. If they introduce a new law, they are truly inefficacious. The constitution of this country has not trusted to the King with whom so much power is placed, the authority of apprehending or committing any subjects of the realm. That authority is left alone to the Magistrates, and to the Courts of Justice. But had the Proclamation in other respects been a legal warrant for apprehending John Wheble, many objections would still lie to the form and contents of it. If any person apprehends Mr. Wheble, in pursuance of this Proclamation, he ought to be prosecuted by action or indictment; and any Magistrate before whom Mr. Wheble is brought,

brought, ought, if he does his duty, to set him at large, and commit the assailant upon his person (whether he be a King's Herald or a Speaker's messenger) unless he can give good bail for his appearance. Persons are liable to no penalty for concealing or not discovering Mr. Wheble, as is falsely insinuated in the Proclamation. Neither the officers of the Customs or others have a right to *examine* persons passing beyond the seas. This Proclamation has not the force of a *Ne exteat regno*. All the loving subjects of his Majesty, as they tender the safety of the King's person, and his right to the crown, both which are secured by the laws, ought, instead of obeying this Proclamation, to be assistant in opposing its execution. As individuals have a right to protect their own liberty, so have others a right to interpose in their behalf.

Upon the whole, I do advise Mr. Wheble to pay no attention or obedience either to the above-mentioned summons, warrant of apprehension or Proclamation. All are equally unjust and illegal. Mr. Wheble will be protected in his resistance by Magna Charta and by numerous statutes which confirm our invaluable code of liberties. The Proclamation moreover seems to me to levy a cruel war upon two individuals without colour of law; and I do give it as my opinion, that Mr. Wheble may well institute an action upon the case, against the counsellors, promoters, aiders, abettors, and publishers thereof.

*Lincoln's Inn, March 14, 1771.*

R. MORRIS.

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BY THE KING.  
A P R O C L A M A T I O N  
FOR APPREHENDING  
JOHN WHEBLE AND R. THOMPSON.

G E O R G E R.

**W**HEREAS, on the eighth day of February last, complaint being made to the House of Commons, of the printed news-paper, intituled, The Gazetteer and New Daily Advertiser, Friday, February 8, 1771, printed for R. Thompson, and also of the printed news-paper, intituled, The Middlesex Journal, or Chronicle of Liberty, from Tuesday, February 5, to Thursday, February 7, 1771, printed for J. Wheble, as misrepresenting the speeches, and reflecting on several of the Members of the said House, in contempt of the order, and in breach of the privilege of the said House: It was ordered, That the said J. Wheble and R. Thompson

should attend the said House of Commons; and they, not having obeyed the said order, it was thereupon ordered, by the said House of Commons, That the said John Wheble and R. Thompson should be taken into the custody of the Serjeant at Arms attending the said House, or his Deputy: And whereas the said Deputy Serjeant having informed the House, that he had not been able to meet with the said John Wheble and R. Thompson, or either of them, though he had been several times at their respective houses, and had made diligent search after them, to take them into custody, an humble address hath been presented to us by the knights, citizens, and burgessees, and the commissioners for Shires and Burghs, in parliament assembled, that we would be graciously pleased to issue our Royal Proclamation for apprehending the said John Wheble and R. Thompson, with a promise of reward for the same; we have thought fit, by and with the advice of our Privy Council, to issue this our Royal Proclamation, hereby requiring and commanding all our loving subjects whatsoever, to discover and apprehend, or cause the said John Wheble and R. Thompson, or either of them, to be discovered and apprehended, and to carry him or them before some of our justices of the peace, or chief magistrates of the county, town, or place, where he or they shall be apprehended; who are respectively required to secure the said John Wheble and R. Thompson, and thereof give speedy notice to one of our principal Secretaries of State, to the end he or they may be forth coming to be dealt withal, and proceeded against according to law: and for the prevention of an escape of the said John Wheble and R. Thompson, or either of them, into parts beyond the seas, We do require and command all our officers of the customs, and other our officers and subjects of and in our respective ports and maritime towns and places, within our kingdom of Great Britain, that they, and every of them in their respective places and stations, be careful and diligent in the examination of all persons that shall pass, or endeavour to pass, beyond the seas; and if they shall discover the said John Wheble and R. Thompson, or either of them, then to cause him or them to be apprehended and secured, and to give notice thereof as aforesaid. And We do hereby strictly charge and command all our loving subjects, as they will answer the contrary at their perils, that they do not any ways conceal, but do discover him or them, the said John Wheble and R. Thompson, to the end he or they may be secured. And for the encouragement of all persons, to be diligent and careful in endeavouring to discover and apprehend the said John Wheble and R. Thompson, we do hereby further

ther declare, that whosoever shall discover and apprehend the said John Wheble and R. Thompson, or either of them, within three weeks from the date thereof and shall bring him or them the said John Wheble and R. Thompson, before some justice of the peace, or chief magistrate, as aforesaid, shall have and receive, as a reward for the discovery, apprehending, and bringing the said John Wheble and R. Thompson, or either of them, before such justice of the peace, or chief magistrate, aforesaid, the sum of Fifty Pounds for each; which our commissioners of our Treasury are hereby required and directed to pay accordingly.

Given at our Court at St. James's, the eighth day of March, one thousand seven hundred and seventy one, in the eleventh year of our reign.

GOD save the King.

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*Extract from the Guildhall Rota Book.*

*Guildhall, 15 March, 1771.*

John Wheble, the publisher of the Middlesex Journal, was this day brought before Mr. Alderman Wilkes at Guildhall, by Edward Twine Carpenter, a printer, being apprehended by him in consequence of a proclamation in the London Gazette of Saturday the 9th of March, instant; but the said Edward Twine Carpenter not having any other reason for apprehending the said Mr. Wheble, than what appeared in that proclamation, the said Mr. Wheble was discharged; and then the said Mr. Wheble charged Carpenter, for assaulting and unlawfully imprisoning him, and on his making oath of the offence, and entering into a recognizance to prosecute Carpenter at the next sessions in London, Carpenter was ordered to find sureties to answer for this offence, which he did, himself being bound in 40l. and his two sureties in 20l. each, and was thereupon discharged.—Carpenter requested a certificate of his having apprehended Wheble, which was given to him.

(COPY.)

*Guildhall, 15 March, 1771.*

This is to certify, that John Wheble, the publisher of the Middlesex Journal, was this day apprehended and brought before me, one of his majesty's justices of the peace for the city of London, by Edward Twine Carpenter, of Hosier-lane, London, printer.

JOHN WILKES, Alderman.

Immediately

Immediately after this Mr. Wilkes wrote the following :  
*To the Right Honourable the Earl of Halifax, one of his Majesty's  
 Principal Secretaries of State.*

(COPY.)

*Guildhall of London, March 15, 1771.*

MY LORD,

I had the honour of officiating this day as the sitting justice at Guildhall. John Wheble, the publisher of the Middlesex journal, a freeman of London, was apprehended and brought before me by Edward Twine Carpenter, who appears to be neither a constable nor peace-officer of this city. I demanded of what crime Wheble was accused, and if oath had been made of his having committed any felony or breach of the peace, or if he lay under a suspicion strong enough to justify his apprehension or detention. Carpenter answered, that he did not accuse Wheble of any crime, but had apprehended him merely in consequence of his majesty's proclamation, for which he claimed the reward of fifty pounds. As I found that there was no legal cause of complaint against Wheble, I thought it clearly my duty to adjudge, that he had been apprehended in the city illegally, in direct violation of the rights of an Englishman, and of the chartered privileges of a citizen of this metropolis, and to discharge him. He then made a formal complaint of the assault upon him by Carpenter; I therefore bound him over to prosecute in a recognizance of forty pounds, and Carpenter to appear and answer the complaint at the next quarter sessions of the peace for this city, in a recognizance of forty pounds himself, with two sureties in recognizances of twenty pounds each.

I am, my lord,

Your lordship's most obedient,  
 humble servant,

*Right Hon. Earl  
 of Halifax.*

(signed)

JOHN WILKES.

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*Copy of a Letter from the Publisher of an Evening Paper, called  
 the LONDON PACKET.*

To the Right Honourable Sir FLETCHER NORTON, Knight  
 Speaker of the *House of Commons.*

S I R,

**H**AVING received an order of the house of commons to attend them on Thursday last, and imagining that every other printer, that was desired, would obey the summons, I actually did attend within call till Friday morning,  
 when

when I took the liberty of returning home, believing this act entirely justifiable, as the order only required my attendance in the morning, and I had to that time made an addition of twelve hours.

This day my presence is required by an order grounded on my *non-attendance* on Thursday, although it was declared in the house that I did attend, but was not called till Friday; a time, at which I was not surely obliged by law to answer.

On the former occasion, I had my doubts concerning the legality of the order, with which I was served. Understanding that the house intended to punish me, for what I deemed a merit rather than a crime, I reflected that the house of commons was never reckoned a court of justice; and that, if I must be tried, I must be tried by my equals—by a Jury of unbiassed men—and not by Gentlemen, who, though a party, think proper to assume the office of judge and jury. I observed that the king had no power to chastise any man who might have given him offence, but is forced to have recourse to the law of the land and to abide by the verdict of twelve jurors legally chosen; and I could not conceive why an inferior should be indulged with greater power than a superior branch of the legislature. Nor could I persuade myself that either ought to be entrusted with an unlimited and discretionary power—such an idea being inconsistent with all law and good government. I understood that his majesty's British subjects were amenable only to known and established laws, and not to the occult *law of parliament*, which its very name shows to be binding only on itself and its members, and not on the people, who are to be judged by the law of the land. It occurred to me that the house of commons was intended for making, and not for expounding, the law; and that in all well-regulated societies, the legislative and judicial powers were to be kept distinct: Because otherwise there would be no occasion for enacted laws, as the maker would have it in his power to unmake, alter, suspend, and interpret them at his pleasure, like an Eastern monarch. I knew the uneasiness, which a similar proceeding of the King's Bench, in the case of Bingley, had produced in the nation. I knew the jealousy conceived against the house of lords for the exertion of a like authority. These, and many other circumstances of the same nature, crowded into my mind, and made me suspect the legality of the whole process. Yet still I would not be the first to resist the orders of the house of commons, to which the utmost reverence is due, whilst it continues a true representative of the people. I now find that the same doctrines are embraced by lawyers, and magistrates,



trates, and by the people, I should therefore be justly chargeable not only with pusillanimity, but with betraying the constitution, were I not to concur in bringing this matter into a course of legal decision. For this reason, I hope, that the house will excuse my attendance till the point is determined, and till it is universally known whether a British subject has, or has not, a right to be tried by a jury. If it shall be found that he *has not*, and that I ought to have obeyed your orders, I will submit to the laws of my country, and to the house.

*Pater noster-row,  
March 19.*

T. EVANS.

The celebrated Letters of *Lilburne* on the present Disputes between the House of Commons and the Aldermen who discharged the Printers.

### L E T T E R I.

*——— To us all Tyrants are alike,  
Or if in bonds the never-conquer'd soul  
Can feel a pang more keen than slavery's self,  
'Tis when the chains that crush us into dust  
Are forg'd by hands from which we look'd for freedom.*

CLEMENTINA?

### S I R,

**C**HARLES the First, of *blessed* memory, assumed a power of levying money upon his subjects in an arbitrary manner at all times of national danger, and affirmed that he alone could judge, when those occasions happened; that is to say, in plain English, that he had a right to fleece his flock whenever he pleased.

The House of Commons pretend to have a right to punish all breaches of their privileges, and contempts of their House, and to have the sole power of determining, what these privileges are, and when these offences against their dignity are committed: which is, (being interpreted) to claim an authority to imprison their fellow-subjects at their own good pleasure. An authority, which, if established, would, in my humble opinion, place our persons in the same jeopardy, that our ancestors purges were in, under the Royal Martyr.

To see the persons acting at once in the different capacities of accusers, witnesses, advocates, and judges, strikes us immediately as a glaring irregularity and absurdity, be the persons ever so extraordinary, and the cause ever so singular. The mind revolts at the idea, because it is utterly incompatible with the first and most obvious principles of justice. Judges ought

ought to be, *ab ira, odio, amicitia vacuos*. The mind (says Sallust) cannot perceive truth, through the medium of these passions. The intervention of a third person, therefore, between the accuser and the accused, being a self-evident axiom of jurisprudence, every Court which blends the distinct characters of party and judge together, carries a solecism and self-condemning stigma upon the face of its proceedings, which all the dog-earned precedents that the most laborious *Mungo* can produce will never be able to wipe away.

The usual and most plausible way of defending so strange a power in the House of Commons, is by reminding us of the character this branch of the legislature bears as the representative of the nation, and the immediate guardian of their rights; and thence inferring, that the plenitude and excess of its powers can never be formidable, but to the enemies of the people.

There is, or rather there was formerly some propriety in this allegation; and it may perhaps be justly looked upon as an ill omen in such a case as this, to have the line of power on the one hand, and the limits of obedience on the other, (*quos ultra, citraque nequit consistere rectum*) too accurately traced, or too nicely defined; because the fixing the land-mark, and settling the boundaries with precision, argues some pre-supposed incroachment, or previous litigation, where one could wish that harmony of sentiment and mutuality of affection had supplied the place of law.

It was doubtless from that generous confidence and indulgence, which the people always shew towards those whose services they esteem, that such of the claims of privilege by the House of Commons, as are now justly looked upon to be arbitrary, and inconsistent with the safety of their constituents, originally sprung. *Omnia mala exempla bonis principibus orta sunt*. One unusual stretch of power paved the way for another, and being perhaps at first exerted against some daring offenders, whose enormities made the unwarrantable mode of proceeding overlooked, were rather acquiesced under than approved of, and gained a kind of sanction in time from the patience of those who did not foresee or dread the danger of the precedent, in its full extent. A liberty, however unjustifiable, being taken rarely, and but by those we love or respect, used too with some modesty and reserve, is generally winked at and forgiven.—*Dabitur licentia sumpta pudenter*—Like the petulance of a child, which the fond parent is rather inclined to laugh at than punish, where it proceeds only from a sudden start of passion, and not from a malignant and stubborn spirit of frowardness. Thus by degrees irregularities

establish themselves, and in process of time quoted as legal authorities for the continuance of an illegal practice, and are converted into rules and formal precedents.

But however excusable our ancestors might be in placing an unbounded confidence in *their* Representatives, the example is no rule of conduct for us towards *our own*. Heaven knows, the circumstances attending the two cases most essentially differ. "Tis rather late to be so primitive." With a very ill grace will the present House of Commons direct our view to some former patriot Senate, whose opposition to a haughty Court at the immediate hazard of their fortunes and persons, rendered their names so deservedly dear to their grateful constituents, that they did not fear to invest them with almost dictatorial power, or scruple to trust their lives and liberties in their hands. Very awkwardly, I say, will any accidental and venial error in their conduct be adduced to justify the premeditated plan of despotism adopted and persisted in by a House of Commons, whose infamous servility towards the minions of royalty on the one hand, and unparalleled arrogance towards their electors on the other, (qualities indeed inseparably united) have rendered the very name of that once loved popular assembly, more justly contemptible and odious, in the eyes of the present age, than that of Charles or James was in the last. A House of Commons who have driven us for shelter from their oppression and violence even to the regal prerogative, and made us "fly from petty Tyrants to the Throne!" A House of Commons against whom their constituents have petitioned and remonstrated in vain, and still load with unavailing curses; a House of Commons who have not one genuine property of a Representative of the commonality of Great Britain; a House of Commons who have dared to avow and carry into practice a doctrine, by which they might change every single Member of their Assembly by their own authority, and substitute whom they please in their room; a House of Commons who have given millions to the Crown without an account of a farthing; who have countenanced the superseding of the civil by the military power;—who have totally excluded their makers from their house, and vainly hope by clearing the galleries, to render their proceedings as like those of a Turkish Divan in secrecy, as they already are in despotism—nay, whose impotent and abject fury attempts at last to imprison their fellow subjects for publishing what they have, or conjecturing what they might have said. Good God!—if they have gone thus far already, ere half their course be run, what are we to expect from them before their reign is ended? Surely their persons will soon become  
sacred,

sacred, it will be a crime to take their names into our unhallowed mouths, it will be treason to stand uncovered in their presence; and when they are grown more intolerably cruel than the Inquisitors at Spain, or the thirty tyrants of Athens, it will be impious to define what they may not do (like King James) "in the fullness of their power." If they must have external obeisance and "mouth-honour" paid them in proportion to our daily increasing contempt; if "as they sink in virtue, they must rise in fame," the day is not far off, when they will arrogate divine honours; and the Royal Proclamation issue forth, to compel us to worship them as they pass along, and to announce his Majesty's good pleasure, that at the name of Luttrell, Fox, and Jerry Dyson, every knee shall bow.

"Such golden days who would not wish to see?

"And such each Placemen, O——, hopes from thee."

March 19, 1771.

LILBURNE.

## L E T T E R II.

*Maturate fugam, regique hæc dicite vestro.*

VIR.

S I R,

**H**APPILY for us who are destined to feel the scourge of tyrants of our own creation (that most mortifying state of subjection!) the folly of their schemes is no small antidote to the wickedness of them. The head-strong violence of their ill-concerted plans lays them ever open to detection, and puts us upon our guard. If they overcome us therefore, they do not however impose upon us. They are by no means artful, insidious, ensnaring enemies; their blind, impotent fury, the mere madness of despair, fills up at once the place of sense and courage. Slaves to their own resentments, and ungovernable passions, how can they expect to find others ready to give up every principle of honour, stifle every sentiment of anger, jealousy, or fear, that actuates their souls in the defence of all they hold dear, as soon as the will of the house of commons is known that all should be submissive to their good pleasure?

*Quos Jupiter vult perdere, prius dementat.* Had the ministry not lost their understanding with their honesty, they would have shewn themselves (on some delicate points at least) a little wary and reserved, and have maintained decency, as many bad men do, after they had parted with integrity.

Is it not amazing that a set of statesmen, whose sole object is to preserve their power, and who know the continuance

nuance of it must depend upon the favour of the people, should be led into the most fatal, because the most unpopular error they could commit, by a little paltry, insignificant cock-fighter? That the house of commons should, to gratify the petty spleen of a miserable under-strapping placeman, who disgraces his charitable benefactors, commit its dignity and authority to a contest with the city of London, supported as that city is by the good wishes of the whole kingdom. Consider their conduct in every point of view, and try if any thing less than infatuation could have reduced them to the ridiculous dilemma in which they at present find themselves. The nation complains loudly of their conduct: to convince the people of the propriety of that conduct, they exclude them in an unusual and insolent manner from hearing what arguments they make use of in their own defence. The people however are still made acquainted with their deliberations, and are exasperated more and more at their proceedings. To pacify their indignation, they then wisely make an experiment of the most alarming nature, to restrain the liberty of the press, and do it in the most alarming manner, by assuming a privilege, whose illegality is self-evident, and which, if it were ever so lawful and reasonable, they have no power to carry into effect, without the voluntary acquiescence of the people. Upon this advantageous ground do they begin a contest the most serious and important that was ever agitated concerning their own authority, and in which if they succeed, they must have better fortune than any house of commons has ever met with yet.

But it is not for a house of commons like the present to venture to enlarge their disputed bounds, *ampliare jurisdictionem suam*, and to incroach upon *our* privileges by extending their own—rash, intemperate, inconsiderate men! they will find it no trivial achievement to persist in their profligate abuse of legal and acknowledged powers, without aiming at innovation, in form as well as substance; without venturing upon unknown paths, where every inch of ground will be disputed, and must be won sword in hand.

Let them then take the field prepared. Let them come armed at all points with precedents and principles. They will need all the sophistry of Sir Gilbert, and all the pomposity of Jenkinson. Their cobwebs will be stretched, and scanned upon the exactest scale. In truth, their pretended privileges have already been weighed in the balance with a candour and patience which they do not deserve, and an impartiality which their rotten texture will not bear. And what is the result?—

The

The result is found to be plainly this. That Englishmen hold their liberty at the meer pleasure of the house of commons, and may be deprived of it at the pleasure of any individual member who chuses to take offence at his actions, his words, his looks, or gestures. That to offend a member of this glorious tribunal by biting your thumb at him, is to incur an half-years imprisonment and an enormous fine, without bail, without a trial, without an habeas corpus, without a hope of pardon or reprieve. Thus does the valet or pimp of a minister of state purchase the right of domineering over the free descendants of those freemen "whom vanquished kings reluctantly obeyed" at Running-Mead and Naseby. Thus is he at once invested with a power far exceeding all the united immunities and prerogatives that attend the sacred person of our monarch.

And shall such a power as this be admitted or indured by men, by Englishmen?—Let them not provoke us too far. Let them set bounds to their insolence. Let them not drive us from an appeal to a deaf Sovereign, to an appeal to the King of Kings. They may find at length that their Sergeants are but men; and their maces gilt blocks of wood. That there is no such music in the name of *Commons*, as will lull us into a false and fatal security. That the spell is dissolved, and that it is no longer in the power of an empty sound to consecrate despotic power in any shape in this chartered country. Englishmen regard not words but things. They will not drink poison, though offered them in a sparkling cup.—They will not wear chains though covered over with wreathing flowers—it is the *tyranny* not the *tyrant* they detest.—They will be governed by laws, and by laws alone.—Anarchy, bad as it is, is preferable to slavery, and there are debasing forms of government, which to men who retain a sentiment of the moral dignity of human nature, are infinitely more intolerable than no government at all.

LILBURN.

### LETTER III.

— *Spes una salutis*  
*Oscula pellutæ fixisse tremantia dextræ.*

LUC.

S I R,  
WHEN the House of Commons revive their encroachment upon the subject, cases will rise up against them, which they would wish to have buried in oblivion. They have already reduced themselves to the same dilemma,

as our gracious Sovereign is said to be in; "who can neither do wrong without ruin, nor right without affliction." I shall not expect the house to fall into the latter misfortune, even by accident; and one or two steps more in the former walk, will compleat the measure of their iniquity, and bring upon them the just vengeance of the people.

The case of Alexander Murray shall never sleep in this country; but remain a monument of parliamentary oppression, of the judge's debasement, and an individual's noble struggle for liberty, unpurchased by submission. It seems indeed to be incidental to a jurisdiction, which the Commons were allowed to exercise over contested elections; but when the matter is examined into, it will appear, that claim was only made a pretence for authority; the true aim of the house being to strike a terror into all his majesty's liege subjects, who dared to oppose the minister possessed of a corrupt influence within those walls. To inflict this vengeance without delay, the complaint of an undue return was instantly postponed. A pretended enquiry was made into the riots of the election; an enquiry still without the intervention of witnesses upon oath. The fruits of turning the House into a Court of Punishment upon this occasion were, that Alexander Murray and others were marked out as proper objects of the Minister's resentment. A sentence was passed upon them, I can almost say, worse than any in the most despotic countries. There, in general, after the judges have determined upon conviction, known and certain penalties are inflicted; which when endured, the party is again free, or at the most perhaps they put a period to his wretched existence by the stroke of death. But here no certain prospect of future release is proposed to the unhappy criminal; till his Majesty shall be pleased for a while to suspend their fulmination by proroguing the session, or himself should crouch to obtain it by the vilest and most abject proofs of submission. It is the cruelest of all punishments to exact a confession of guilt either from the Accused or the Convicted. A man may feel no guilt in his own mind, whatever satisfaction others may have of his transgression. What! is it not enough to punish, but the party must kiss the rod, and confess the lenity of the tormenter? Shall there be no certain measure of punishment, but the will of the inflicter, and the dastardly spirit of the culprit? Talk not to me of the Bastile and the Place de Gréve; we have them both in England. Secret imprisonments, from which no Habeas Corpus will relieve; indefinite imprisonments, to be determined by no fixed

fixed period of time; are every day's practice both of the Lords and Commons. Confessions of guilt in innocence, and acknowledgments of clemency, under the infliction of cruelty, are the only deprecations those vindictive bodies will hear. For not submitting to such disgrace, humiliating in the last degree to human nature, but above all to the nature of a Briton, was Alexander Murray, confined for six long months in a loathsome gaol, debarred of the access of his friends, deprived of pen, ink, and paper, and, to complete his happiness, attacked with the distemper of the place, which brought him to death's door. This penance might have had a continuance of as many years, for aught the prisoner knew. No sentence was passed upon him. It waited only for his Majesty to turn accessory to his faithful Commons, by not proroguing their assembly, (an assistance which in these times they have a right to demand and expect) and this harassed mortal must probably have staid in his dungeon for years. Nature however would, through her tenderness, have afforded him that relief, which he had no title to expect from the unnatural tribunal of the Commons, a period to his existence; an issue to be sought by a prisoner next to a release. Well might our first expounders of the law say, as they have said, that imprisonment is a punishment next to death. Yet imprisonment was not then uncertain; the fine and ransom at the King's pleasure was always defined at the time the sentence was passed, from the court whence it proceeded. What would they say now of our indeterminate imprisonment during the pleasure of an assembly of men, many of whom have purchased their seats, others of them creatures compellable to vote against every dictate of conscience, if it suit the arbitrary will of their superiors, and all of them unsworn to the observance of any laws? An assembly numerous, haughty, venal and oppressive; which listens with an eager avidity to every tale of malice or resentment, that the private passions of the most abandoned individual may prompt him to relate; which makes every private contention its own, which gives the same liberty to every Member to claim and define his own privilege, as it assumes for itself; and which leaves it as uncertain to the miserable subject, whether he offends or is innocent, or rather whether he shall be punished or indemnified, as if he was the slave of a tyranny, where rules of decision were always to follow the fact and not precede it. Is a commitment from such an assembly any penalty less than death? Is there a spirit in this nation tame and lying enough to endure a submission to such a sentence, and



and yet to boast that we are free? Could our ancestors say, that imprisonment is next to death, and yet we their descendants basely crouch to receive a sentence upon our knees, the limits of which no man knows? No; it is impossible this disgrace can ever again befall us, or it can befall only those who deserve not the name of Englishmen. Murray was an unhappy victim; but though unsuccessful in his perseverance, he was unshaken and intrepid; for which he yet deserves to be had in honour by this nation. Others have been since advised to pursue a wiser and a safer plan: They were shewn the illegality of the order for attendance, and they knew no safe conduct or hostage would be given to bring them back. They therefore resolved not to give a countenance to the inquisition, by paying obedience to its first pretended process for appearance. As well might a person trust himself to the hungry lion in the desert, to try the prospect of escaping, as throw himself even upon the mercy of that spurious and abhorred tribunal. I know there was an assumed air of lenity given to their proceeding against the Printers who did appear, but that was a mere gloss to disguise their rancorous malice against the others who refused; and I call it, for my part, the most excruciating of tortures, the most dreadful of sentences, to be compelled to place oneself in a posture of supplication, to a set of miscreants, execrated as much as they are despised. Had these devoted recusants fallen afterwards the victims of this mild and merciful judicature, what pains and penalties would not await them. No racks would compleat the vengeance. The records of the inquisitions at Lisbon and Madrid would be searched in vain for precedents of torture for the expiation of such abominable offences, as repugnance to their arbitrary commands. The Printers have been better advised than Alexander Murray was; and in following that advice they have acted with a confidence, which law and liberty, when joined together, could not fail to inspire. The magistrates have done their duty, and reaped immortal honour in protecting them. The charm is broken, and a whole nation is set free.

March 25, 1771.

LILBURN.

From the Middlesex Journal.

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TO the PRINTER of the POLITICAL REGISTER.

S I R,

**T**HAT *ex officio* informations by the Attorney-General, in the King's-Bench, are contrary to the law and constitution of England, is most certain; no real lawyer can, or dare deny it. Let them quote acts to countenance them, or

quote as many precedents as they please, they may seem learned to the ignorant, that is to one another, but they cannot convince the plain, honest, sensible English nation, of any thing else, but that they aim at the destruction of the common law, or what is the same thing, common sense and reason. The glory, the boast of Englishmen, is, that no one can be hurt in his property, good name, his want of personal liberty, his limbs, or his life, but by lawful judgment of his Peers; and our law is a stranger to any other commencement of a criminal process, but by presentment or indictment before a Grand Jury; therefore this modern introduction of slavery, is contrary to the first principles of English liberty. For shame! you Court lawyers, how can you venture to say, that you cannot, in case of what you deem libels, which modernised, is writing the truth, trust to the Grand Inquest for finding a bill? Why do you so clearly confess the rottenness of your cause? Was it just, you have no occasion to doubt, but the voice of the people, so constitutionally collected, would be on your side. But you know that the late sacrifices to ministerial vengeance, could never have been brought into jeopardy, or the murdering expence of a law-suit, by at least twelve independent Grand Jurymen, for publishing what they in their conscience believed to be true; therefore you had recourse to the Attorney-General to bring on destruction, that the weight of the prosecution might ruin the printers and publishers, and by that indirect, unlawful means, bring about your favourite purpose of taking away the liberty of the press. How could you, Lord Mansfield, after a man was near ruined by a first trial, by way of favour and indulgence, offer him a chance of a second? It was insulting the poor man. It was an affront to the majesty of the law of England, to imagine there was any occasion for it; for in a criminal process, an irregularity, such was the mercy of our constitution, was an acquittal to the defendant.

BRUTUS.

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STANZAS, *addressed to the Right Honourable the*  
LORD-MAYOR.

—*Tumidasque minas contundere Regum.*

WITH harsh ungen'rous insult spurn'd,  
Where fondly most she hop'd relief,  
Sad from the throne Britannia turn'd,  
And gave her harass'd soul to grief.  
Still doom'd to drag the galling chain,  
Oft she proclaim'd her wrongs around;  
And oft beheld her sons in vain,  
In streams of melting pity drown'd.

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I i

Her

Her savage tyrants mock her pain,  
 And, while her tears in anguish flow,  
 Forbid her even to complain,  
 (The last sad privilege of woe !)  
 But now, Hope dissipates her fear,  
 And black Despair before her flies ;  
 Lo ! where AUGUSTA's towers appear,  
 She sees another BECKFORD rise !  
 There JUSTICE lifts her even scale,  
 There sternly bares her sword to view ;  
 And, when her milder succours fail,  
 Securely, CROSBY, trusts to you.  
 Nor thou refuse, at FREEDOM's call,  
 Yon dungeon's gloomy paths to tread ;  
 Beneath whose blood-besprinkled wall  
 Her champions oft with joy have bled.  
 Great is thy lot (if crown'd by fate,  
 This lot be thine) with patriot toil  
 To prop awhile a sinking state,  
 And bid thy country's genius smile.  
 No peril can his spirit tame  
 Who dares to set a nation free ;  
 And tho' he fall, he earns from fame  
 A glorious immortality.

HIDALLAN.

### A POLITICAL CREED.

**I** Believe in George the Third, our gracious k—g,  
 And all who are in authority under him ;  
 That k—g, dowager, and Bute, the trinity are,  
 Who rule despotic in Britannia's sphere ;  
 And tho' these are three persons, sure I am as gun,  
 That join'd together, they fairly make but one :  
 I recognize and think, without dispute,  
 This trinity is unity, and centres all in Bute ;  
 By whom all things are, that have been made,  
 From minister, down to Moll the scullion jade ;  
 In his hands are all the corners of domain,  
 Pensions, peace making, and contracts with Spain,  
 I acknowledge one revolution, to punish th' guilt,  
 Of Scotch idolatry, and Britannia's jilt :  
 Then we may live, once more to see,  
 England wisely govern'd, and from corruption free ;  
 For Albion's good, amen aloud I say,  
 God grant it soon, I as devoutly pray.

A REFORMIST.

## POLITICAL INTELLIGENCE.

*Extract of a letter from Paris, dated Feb. 15.*

"SINCE the disgrace of the parliament, the following curious paper is circulated here.

"The liberty, Sire, that princes owe to their people, is the liberty of the laws. You are master of the lives and fortunes of your subjects; yet you cannot dispose of them but according to law. It is true, you acknowledge none but God alone above you; but the laws ought to have more authority, even than yourself. You do not rule over slaves; you govern a free and warlike nation, as jealous of her liberties as of her fidelity, and whose allegiance is so much the more secure, as it is founded on the love she bears her masters. Her kings are omnipotent over her, because her tenderness and loyalty set no bounds to her obedience; but her kings must themselves limit their own authority; and in proportion as her love knows no other law, than a blind submission, her kings must exact nothing from that submission, but what the laws permit them to exact from it: otherwise they are no longer the fathers and protectors of their people, they are the enemies and oppressors of them; they no longer reign over their subjects, they subdue them.

"The power of your august great grandfather over the nation, has surpassed that of all the kings your predecessors. A long and glorious reign had strengthened it; his great wisdom supported it; and the love of his subjects scarce put any farther bounds to it. Nevertheless, he has more than once known how to make it give way to the laws; to take them for arbitrators between him and his subjects, and nobly submit his concerns to their decisions.

"It is not then the sovereign, it is the law, Sire, that ought to reign over the people. You are only its minister and first depositary—it is the law that ought to regulate the exercise of authority; and it is by the law that this authority is no longer a yoke to the subjects, but a rule that guides them; a help that protects them; a paternal watchfulness, that secures their submission, only because it secures their love. Men believe themselves free, when they are governed only by the laws: their whole happiness consists then in their submission, because that submission constitutes their peace and confidence. Passion, and all the inordinate and ambitious desires which princes mingle with the exercise of authority, far from extending it, rather weaken it; they become less powerful, as soon as they want to be above the laws; they lose when they think to gain: whatsoever renders authority unjust and odious, enervates and lessens it; the source of their power is in the hearts of their people; and, however arbitrary they may appear, it is certain they lose their real power, the moment they lose the love of their subjects."

*Extract of a letter from Dublin, Feb. 27.*

“ Yesterday our parliament met, when there were more members in the house, than ever known on any other occasion.

“ After the lord lieutenant had delivered his speech from the throne, the house voted an address of thanks, without any division: after which Mr. Helen (a new made king's council, and, at present, the lord lieutenant's particular friend, though last winter he wrote a severe pamphlet against him) got up, and proposed an address to his majesty, the purport of which was as follows:

“ To thank his majesty, in the most grateful expressions, for the very great care and attention he has ever had to the affairs of that kingdom, more particularly in continuing so long the administration of the present lord lieutenant; to whose vigilance, justice and wisdom, the people of Ireland were indebted for all their happiness and prosperity.” He was seconded in this strange address by Mr. George (one of lord Loftus's light troops) when a great debate ensued, which lasted several hours, when the question being put they divided,

|                 |       |       |     |
|-----------------|-------|-------|-----|
| For the address | _____ | _____ | 132 |
| Against it      | _____ | _____ | 107 |

|          |       |       |    |
|----------|-------|-------|----|
| Majority | _____ | _____ | 25 |
|----------|-------|-------|----|

“ This day, however, when the house should have proceeded on the usual business of the day, a desperate mob, armed with clubs, cutlasses, &c. surrounded the parliament-house, and attempted to swear several of the members, who very spiritedly refused the proposed oath. Upon which they insulted some, and beat others, selecting the supporters of government, from the members in opposition. The bishops of Ferns and Cork were both beaten, and otherwise much abused. Lord chief justice Ansell, and lord Tyrone, were also very roughly treated. Lord Loftus was particularly searched for; he is marked by the mob, for joining government.

“ Whilst free access to parliament was thus interrupted, the lord chancellor sent an account of these proceedings to the lord lieutenant. Soon after a detachment of the military was requested by the mayor and sheriffs, who had repaired to the castle. The lord lieutenant first asked them, whether they could quell the riot by the aid of the civil power alone? on their answering in the negative, the troops were sent. On their appearance the mob dispersed, and peace was soon restored.

“ Two of the ringleaders, armed with cutlasses, who attempted to swear the bishops with a manual, or popish prayer-book, were taken and lodged in Newgate, by order of the house of lords.

“ Their confession was taken down by the lord mayor, and it is said they have made some material discoveries. This mob consisted of the weavers, for whom a charitable contribution was carried on by our patriots for some months past. The speaker sub-

scribed

scribe 1 rool. to this scheme, two days before the opening of the sessions.

*The following is an accurate account of the proceedings of the Irish house of Lords.*

**L**ORD Loftus moved the address of thanks to the lord lieutenant. Lord Lansborough took a strong part in this business. He moved a sarcastical amendment, thanking the lord lieutenant for those things which he had *not* done. The amendment was as follows :

“ During your excellency’s administration, the wisdom of which appears from these effects : the flourishing state of trade and credit ; the increase of the revenues ; the redundancy of the public treasure, so timely applied to the relief of our distressed manufacturers ; the encouragement of our exports, by your excellency’s attention to our legal rights, in refusing to impose an embargo upon provisions ; the universal content of all ranks throughout the nation ; and that awful reverence for your excellency’s person, which can only be obtained by uniformity, steadiness and wisdom. These are merits which distinguish your excellency’s administration from those of your predecessors, and will continue it for ever in the minds of those, over whom you have been sent to rule.”

It passed in the negative.

But it is to be upon the lords journals, as their opinion of his excellency.

As soon as the address to his excellency was carried, the following short protest was entered against it.

*Dissentient,*

Because the address to the lord lieutenant, having contained acknowledgments of thanks to his excellency, for his conduct in the government of this kingdom, to which we are conscious he has not any just claim ; we have therefore conceived it to be our duty, to withhold even that accustomed compliment.

A motion was made, and the question put, “ That the protest “ of lord Townshend, entered the last day of the last sessions on “ the journals of this house, be expunged.”

It passed in the negative.

Upon which a protest was entered, and here follows a correct copy of it :

*Dissentient,*

1st. Because we conceive, that by the entering of the lord lieutenant’s protest upon the journals of this house, at the close of the last session, the privileges of this house, and the constitutional rights of the peerage, have been most flagrantly infringed and violated ; and that therefore, the earliest opportunity should be seized, of vindicating the rights and privileges of the peerage, and of wiping away the affront which this house has received therein, by expunging from its journals this matter of offence, which has been unwarrantably and illegally obtruded upon them.

zdly,

2dly, Because we conceive that the abovementioned Protest contains in it matter in the highest degree illegal and unconstitutional, inasmuch as it claims a right, and presumes to animadvert upon some proceedings of the Lower House of Parliament. Now, we are bold to assert, that whenever any one branch of the legislature shall arrogate a right to animadvert upon either of the other two branches, the branch of the legislature so subject to animadversion, would instantly cease to be part of the supreme power, the balance of the constitution would be overturned, and that branch, in which this jurisdiction resided, would be completely sovereign; a supposition which is equally abhorrent to the spirit and to the letter of the constitution.

3dly, Because we conceive, that this House hath, and ought to have the sole and exclusive dominion over its own Journals, in like manner as the Commons have over theirs; and that the Lord Lieutenant hath no more right to order an entry to be made upon our Journals, than he hath to order an entry to be made upon the Journals of the Commons; and we conceive that as the Crown, though a branch of the legislature, is no estate of Parliament; therefore the Crown, or its representative, can have no jurisdiction over the Journals of the estates of Parliament, which are the records of the proceedings of the deliberative branches of the legislature, whereof the Crown is not one; and we are the more confirmed in this opinion, by reflecting, that there is not a single instance, even in the most arbitrary times, of such a power being claimed or exercised by the Crown in Great Britain, over the Journals of the British Peers. We apprehend also, that no matter can, with propriety, be entered upon the Journals of this House, without the leave of this House previously had or implied, as is clearly evinced by the constant practice of reading the minutes by the Clerk, before the House is adjourned, in order that every Peer may have an opportunity of preventing any thing improper from being entered upon the Journals. Now, on the last day of the last session, no such opportunity was given, the reading of the minutes having been prevented by the prorogation.

4thly, Because, though it hath been asserted, that the Journals of this House, being public records, it is improper that any alteration should be made therein; we are of opinion, that this maxim extends only to the judicial proceedings of this House, not seeing that in other instances there is any reason to distinguish between the Journals of this House, and those of the other House of Parliament, from which matters have frequently been expunged; as it is also notorious, that  
 matters,

matters, not of a judicial nature, have frequently been expunged from the Journals of the House of Lords of Great Britain. Indeed, were it otherwise, the Speaker, or even the Clerk of this House, or any indifferent person, who might, however irregularly, get access to the Journal-book, might insert therein matter of the most criminal import, amounting even to the crime of Treason; and it would be a strange solecism, to say, that such insertion must for ever remain, to the disgrace of this House, without any power in us to expunge and purge away such obnoxious matter.

5thly, Because it hath been declared to be a high breach of the privileges of Parliament, that the Crown should take notice of the proceedings of either House of Parliament, unless the same shall be regularly laid before it; a circumstance in which we conceive, that the Protest of Lord Strafford, however in all other respects irregular and unconstitutional, hath the advantages over those of Lord Sydney, and of our present chief Governor.

6thly, Because we think this entry peculiarly improper, inasmuch as the Viceroy hath therein, by a breach of the privileges of this House, made our Journals the instrument of a breach of the principle of the other House of Parliament; a practice which, if not discountenanced by us, might probably end in a rupture between the two Houses.

LOUTH,  
LEINSTER, by Proxy,  
WESTMEATH,  
LANESBOROUGH,  
POWERSCOURT,  
BECTIVE,  
MOUNT CASHELL,  
CHARLEMONT,  
MOIRA, by Proxy,  
MOLESWORTH,  
SHANNON,  
MORNINGTON,  
BELLAMONT,  
KNAPTON,  
LONGFORD,  
BALTINGLASS,  
LISLE.

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*London, March 15, 1771.*

**Y**ESTERDAY Mr. Miller, Printer of the London Evening Post, between the hours of two and three in the afternoon, was assaulted and made a prisoner in his own house, by one William Whittam, a Messenger of the House of Commons.



Commons. He sent directly for a Constable, to whom he gave the Messenger in charge, and the Messenger did the same by him. They proceeded together, and with several other persons who were witnesses of the transaction, to Guildhall; but the sitting Justice, Mr. Alderman Wilkes, having dispatched the business of the day, and signed the *Rotq* book, was gone to the Mansion-house. They went immediately there, and made application to the Lord Mayor, who was in his bed-chamber ill of the gout. The Messenger desired that he might have leave to send to John Clementson, Esq; Deputy Serjeant at Arms, which was granted; and the Lord Mayor adjourned the hearing of the business till six in the evening. At that hour the Lord Mayor, and the Aldermen Wilkes and Oliver, heard the cause in his Lordship's bed-chamber, Mr. Clementson being present as well as the Messenger, the Publisher, Robert Morris, Esq; as his Council, and many other persons. Mr. Clementson said, he came from the Speaker of the House of Commons to demand both the *Messenger*, and *Mr. Miller, the Publisher*, which demand was refused by the Lord Mayor, and the refusal minuted down by the Serjeant in a book. The Lord Mayor demanded of the Messenger what his accusation was against Miller, and by what right he had apprehended one of his citizens, and if he was a Peace Officer in the City. The Messenger declared that he did not accuse Miller of any thing criminal, but had taken him into custody by virtue of an order of the House of Commons. The Lord Mayor demanded to see the order, which, after much altercation, was given in by Mr. Clementson. Mr. Morris then argued the whole cause very ably, and insisted particularly on the invalidity of such a warrant. Mr. Clementson desired to confine himself to its being signed by Sir Fletcher Norton, Speaker of the House of Commons, and to the two demands he then made of the Messenger, and Mr. Miller being delivered to him. The Lord Mayor then and the Aldermen Wilkes and Oliver discharged Mr. Miller from the custody of the Messenger. They proceeded next to the complaint of the publisher for the assault and false Imprisonment, which was clearly proved by the evidence of John Topping, and Robert and Henry Page. The Messenger called no witness, and Mr. Clementson admitted the facts. The Lord Mayor then asked the Messenger for bail to answer the complaint, but he said he had none; and Mr. Clementson declared that *the Messenger should not give bail*. On this refusal the Lord Mayor and the two Aldermen signed the *Mittimus* of the Messenger of the House of Commons to the Compter. As soon as this was done, Mr. Clementson said, *I waited for this,*

*this, and now I see the warrant of commitment actually signed, I will offer bail; upon which the Messenger was bound over for his appearance in a recognizance of 40l. with two sureties in 20l. each, and the publisher in a recognizance of 40l. to prosecute for the assault and false imprisonment. Almost every man in the room offered to be bail for the Messenger. The Mansion House was exceedingly full of people, but not the least confusion or disturbance happened.*

HOUSE of COMMONS.

*Martis 19<sup>o</sup> die Martii, 1771.*

(COPY.)

The house of commons having yesterday received information that one of the messengers of this house, after he had arrested J. Miller by virtue of the warrant of the speaker of the house of commons, to answer for a contempt of the said house, was carried by a constable upon a charge made against the said messenger by the said J. Miller for an assault and false imprisonment made upon the said J. Miller in the said arrest, before Brads-Crosby, esquire, lord-mayor of the city of London, where *John Wilkes, esquire, alderman*, and Richard Oliver, esquire, were present, when the deputy serjeant at arms attending this house, acquainted the said magistrates that the said arrest of the said J. Miller was made by the said messenger under a warrant signed by the speaker of the house of commons, which warrant was then produced and shewn to the said magistrates, and demanded of them that the said messenger should be discharged, and the said J. Miller delivered up to the custody of the said messenger, and that the said lord-mayor, *John Wilkes, esquire*, and Richard Oliver, esquire, after such information and demand as aforesaid, signed a warrant for the commitment of the said messenger to the comptroller for the said supposed assault, and false imprisonment of the said J. Miller, and obliged the said messenger to enter into a recognizance for his appearance at the next quarter sessions of the peace to be held for the city of London, to answer to such indictments as should then be found against him for the said supposed assault and false imprisonment.

Ordered,

That *John Wilkes, esquire*, do attend this house to-morrow morning.

J. HATSEL, Cl. Dom. Com.

*March 20, 1771, Received from Mr. William Witham, one of the messengers, at half an hour after eight in the morning.*

J. W.

(COPY.)

S I R,

London, March 20, 1771.

‘ I this morning received an order commanding my attendance this day in the house of commons. I observe that no notice is taken of me in your order as a *member of the house*, and that I am not required to attend in *my place*. Both these circumstances, according to the settled form, ought to have been mentioned in my case, and I hold them absolutely indispensable. In the name of the freeholders of Middlesex I again demand my seat in parliament, having the honour of being freely chosen by a very great majority one of the representatives for the said county. I am ready to take the oaths prescribed by law, and to give in my qualification as knight of the Shire. When I have been admitted to my seat, I will immediately give the house the most exact detail, which will necessarily comprehend a full justification of my conduct relative to the late *illegal* proclamation, equally injurious to the honour of the crown, and the rights of the subject, and likewise the whole business of the printers. I have acted entirely from a sense of duty to this great city, whose franchises I am sworn to maintain, and to my country, whose noble constitution I reverence, and whose liberties at the price of my blood to the last moment of my life I will defend and support.

I am, S I R,

Your most humble Servant,

JOHN WILKES.

Right Honourable Sir FLETCHER NORTON, Knight.

March 18. This day at two in the afternoon, the lord-mayor of this city went from the mansion-house to the house of commons. His lordship appeared very feeble and infirm, but in good spirits. Mr. Alderman Oliver, and his lordship's chaplain, Mr. Evans, were in the same coach. A prodigious croud of the better sort were at the mansion-house and in the streets near it, who testified their approbation by repeated huzzas, which were continued quite from the mansion-house to the house of commons. On his arrival there one universal shout was heard for near three minutes, and the people during the whole passage to the house called out to the lord-mayor as *the people's friend, the guardian of the city's rights, and the nation's liberties*.

The number increased considerably the nearer he approached to Westminster. About Exeter Exchange in the Strand they began their acclamations, which did not cease till he had got into

into the house of commons; for in the very lobby, as he came through, and even when the door of the house of commons was set open for him, there was not a voice or a hand among some hundreds of persons of genteel appearance, that was not employed to demonstrate their approbation of his conduct. In consequence of which, immediate orders were given to clear the lobby, and every person was turned out.

When his Lordship was arrived at the House he was questioned (as we are informed) concerning his conduct at the Mansion-House on Friday last in signing a warrant of commitment for one of the Messengers of that House to the Compter; to which his Lordship replied, "that he had only done his duty as chief Magistrate of the City of London, having acted conformable to his oath and the charters of the said City, by which he was bound to protect the persons, property and franchises of his fellow citizens." After some time spent in debate, his Lordship told Mr. Trecothick, that he was extremely ill, and wished to withdraw. Mr. Trecothick acquainted the Speaker, who recommended his Lordship to go up to his room; but his Lordship asked whether or not there was a bed there, as he wished to retire to rest, the Premier rose up and said, as his Lordship was ill, no Gentleman, he presumed, could have any objection to his returning home, and no objections being made, the further debate on this affair is deferred till Tuesday next; and his Lordship returned home attended by a great number of people of all ranks and degrees both on horse and on foot. In the Lord Mayor's return the populace took the horses out of the carriage at St. Paul's, and drew the coach to the Mansion-House.

*March 21.* This day the Common Council met at Guild-hall, Mr. Alderman Trecothick in the Chair, when it was almost unanimously

RESOLVED,

That the thanks of this Court be given to the Right Hon. the Lord Mayor, and the Aldermen Wilkes and Oliver, for their conduct on a late occasion.

In opposition to this resolution there were only Alderman Rossiter and five commoners.

A motion was made and seconded, that a committee of four Aldermen and eight Commoners be appointed to assist the Lord Mayor, and Alderman Wilkes and Oliver, in their defence on the complaint made against them by the House of Commons, and the Committee be empowered to draw upon

the Chamberlain for any sum not exceeding 500*l.* for the above purpose.

When the motion in the Court of Common-Council for returning thanks to the Lord Mayor, and the Aldermen Wilkes and Oliver, was made, the Recorder said, that the motion was a surprize upon him, but that it appeared to him to be of such a nature as to call upon him to offer his sentiments to the Court upon it.

That it appeared to him to have a very dangerous tendency; that it was widening a breach, which it was the duty of every honest man to attempt to stop; that if the *Locum Tenens* saw the question in that light, he ought not to permit such a question to be put; that this question tended to involve the Common-council, and make them parties to a transaction, which he heartily wished had never happened. That no friend to the constitution and liberties of this country, and least of all the Common-council of the City of London, who have always taken an active part in support of the rights of the people, ought to wish to deprive the House of Commons of powers so necessary to its existence; that without such powers it would be impossible for the House to act with effect either in its legislative or judicial capacity; that no act could be passed, no election determined, no impeachment made or prosecuted, if any commoner of this kingdom could refuse his attendance upon the House when called upon.

That to deny the House a power of compelling an attendance by an arrest if necessary, in case of contempts offered to the House, or to deny the House the power of determining, what is a contempt offered to it, was denying to the House of Commons the privilege of the lowest Court of Record in this kingdom; a privilege absolutely necessary to enable the House to support its dignity, and to maintain the rank and influence it has acquired in the state.

That the arming the House with these privileges had created a balance against the power of the crown and the other branch of the legislature in favour of the people, and had made the House of Commons the bulwark of the people's liberties; that the robbing it of them would be robbing it of all its consequence, and reducing it to be (what some have affected to suppose it to be) the instrument of despotism.

That he was of opinion, that the power of the house of commons to arrest and commit for contempts, stood upon the clearest foundation of law and usage; that what had been done in opposition to it was wholly unprecedented; that it would be difficult to palliate the act, in as much as it could not be the

the duty of a mayor, or a justice of the peace, to interrupt the execution of the process of any court, much less of a house of parliament.

That to thank the authors of that measure, was to adopt it, and was adding contempt to contempt.

That it could produce no possible good effect, that it might involve the city in a controversy of a very serious nature with the house of commons, and might endanger the public peace; and therefore he advised the *Locum Tenens* not to suffer the question to be put.

Mr. G. B. answered the R. by observing, that when the question was put, he would see by the numbers what weight his argument had with the court.

The *Locum Tenens* inclining to have the question put, the R. withdrew. After some time he was sent to, and informed, that his attendance was required in the court. When he came into the court, he was informed from the chair that he was desired to put the question; and it was at first insisted with some warmth that the question should be put by the recorder; but after some debate, it was proposed that if the R. would desire the court to excuse him, and say that he would put the question if the court insisted upon it, he might then be excused.

The Recorder said it might easily be seen from his withdrawing, that he wished to avoid putting the question, and did not wish to involve himself in a dispute with the Court of Common-Council; that it had been his misfortune to have been engaged in one altercation with the Court, which he hoped would be the last; that in that instance he had acted upon a principle which had satisfied his own mind; that he should continue to act upon the same principle, but that his wishes were to co-operate with the Court upon all occasions, while he continued an officer of the city.

That after having addressed the *Locum Tenens* not to put the question, it could not be thought extraordinary, that he himself should desire to be excused from putting it. That he was ready to say so much, and that he hoped he should be pressed no further.

The Court appeared to be satisfied with this declaration, and so that matter ended. The Recorder withdrew before the first question was put.

The question was then put by Mr. Rix, a clerk to Sir James Hodges (Sir James and the Common-Serjeant being absent) and was carried by a great majority, without a division.

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A motion was made, that the foregoing resolution be fairly transcribed, and signed by the Town-Clerk, and presented to the Lord-Mayor, Alderman Wilkes, and Alderman Oliver; which was agreed to.

*March 25th.* At half past two o'clock this afternoon, the Lord-Mayor reached the House of Commons, in compliance with the adjourned order for his attendance, accompanied by a vast concourse of people, whose approbatory testimonials of his conduct were heard at a great distance all along the way, from the Mansion-house to Westminster. His Lordship was drawn in his own private coach, with five footmen behind it. The populace attempted once in the way to unharness the horses, with intent to draw the coach along, but were dissuaded from it. When the Lord-Mayor alighted in Palace-yard, he was supported by three gentlemen, and in that manner conducted through the new passage to the House of Commons, which, being crowded with people, resounded with their applause, as his Lordship was conducting along. His Lordship had his feet, legs and thighs, wrapped up in flannel as before, and, from the very feeble state he seemed in, and the pain he appeared to suffer, he raised in every one the most acute sensations of pity, at the same time he extorted their applause. Mr. Alderman Oliver followed the Lord-Mayor, and met with the greatest marks of their approbation.

The Lord-Mayor was attended in his coach by his chaplain (Mr. Evans) and Mr. G. Bellas. They were accompanied by the Aldermen Stephenson, Turner, Kirkman, and the several Common-Council that were ordered of the Committee, and were met at the House by Alderman Sir Charles Asgill.

When they arrived there, the Lord-Mayor, his Chaplain, the Aldermen, and Common-Council, were ordered into the House. They were accompanied thither by a prodigious concourse of people, among whom were a great number of gentlemen, merchants, and reputable tradesmen, many of whom went in their carriages.

On their arrival at the House, the general approbation of the Lord-Mayor's conduct in this important affair, was expressed by loud and long-continued acclamations.

The populace attempted to get into the lobby, but were kept back by the constables and messengers, who attended for that purpose.

Many of the people had labels in their hats, with the words, *Crosby, Wilkes, Oliver, and the Liberty of the Press.*

Most

Most of the people who came along with the Lord-Mayor, stayed in Palace-yard, the court of Requests, the new passage to the House of Commons, and in Westminster-hall, where they applauded such Members as passed whose conduct they judged to be independent and unbiassed, but exhibited strong marks of disgust and dislike to those whom they imagined too frequently voted with the Ministry.

*March 26th.* This morning at four o'clock the great and worthy Alderman Oliver was committed to the Tower, by the following warrant.

WHEREAS the House of Commons have this day adjudged, that Richard Oliver, Esq; a member of this house, having signed a warrant for the commitment of the messenger of the house, for having executed the warrant of the speaker, issued under an order of the house, and having held the said messenger to bail, is guilty of a breach of the privilege of the house: And whereas the said house hath this day ordered the said Richard Oliver, Esq; one of the aldermen of the city of London, and a member of this house, to be for his said offence committed to the Tower of London:

These are therefore to require you to receive into your custody the body of the said Richard Oliver, Esq; and him safely to keep, during the pleasure of the said house, for which this shall be your sufficient warrant. Given under my hand the twenty-fifth day of March, one thousand seven hundred and seventy-one.

*Fletcher Norton, Speaker.*

To the Lieutenant of the Tower  
of London, or his deputy.

March 28. Yesterday about one o'clock, the lord-mayor, attended by his committee, and a vast number of citizens, merchants, and independent gentlemen, went to the house of commons. The city was all in motion, and the citizens by acclamations testified their approbation of his conduct.

The crowd was so great yesterday in the Old Palace-yard and Westminster-hall, that it was with the greatest difficulty many of the members, especially the court-party, got to the house of commons; lord North's chariot-glasses were broken to pieces, as was the carriage soon afterward, by which he received a wound, and was exceedingly terrified; the populace also took off his hat and cut it into pieces, and he narrowly escaped with his life. Justice Kelynge attempted to read the proclamation, but was so pelted that he was obliged to desist; two hundred constables could not keep the populace in order, for on their endeavouring to keep the peace,  
the



the mob seized their staves, and broke them to pieces: As soon as a member's coach appeared, they stopped it, and obliged the coachman to inform them of his master's name, and they were treated according as they stood in their approbation, some with hisses and groans, and others with loud acclamations.

Finding how resolute the people were, at length some of the members came out, particularly Sir George Saville, Mr. Townshend, the Sheriffs, the two Mr. Burkes, Mr. Sawbridge, and Mr. Whitworth, who persuaded the people to disperse, and particularly urged it as the request of the lord mayor.

The House, in short, could not proceed to business for some time.

The lord mayor, after a long debate, was, a little before twelve, committed to the Tower, with leave to return to the Mansion-house, lay there, and go to the Tower as this day. There were two divisions; the cause of the first (the numbers of which were 239 to 30) we could not learn, as the crowd was so great, the members who stand our friends on these occasions, could not be spoken to. The second division was for the commitment; 202 ayes, 39 noes; yet let not the public be deceived, there were at first 400 members in the house, but fired with an honest indignation at the proceedings of the Ministerial Speakers, the major part of those who approved the conduct of the lord mayor, quitted the House long before the division for commitment.

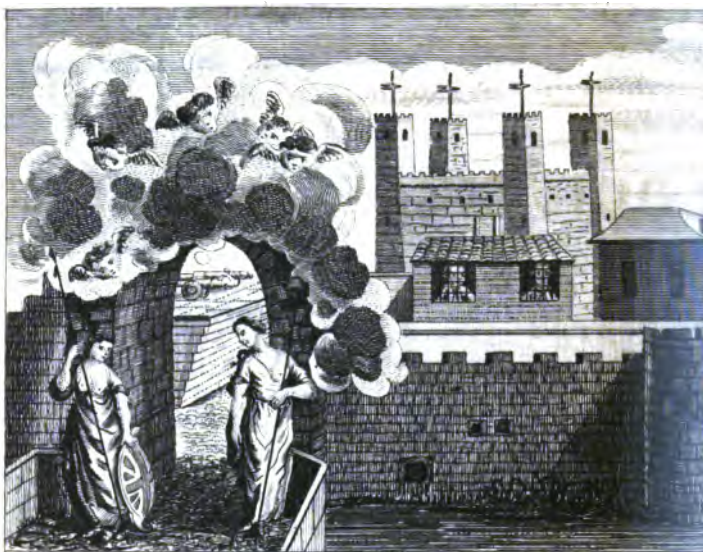
We are informed that the Ministry urged the Lord Mayor to make a concession; and on his nobly refusing it, they wanted to make his commitment a matter of favour; and instead of sending him to the Tower, would have put him in custody of the Serjeant at Arms, or have ordered the Serjeant at Arms to have attended him at the Mansion-house; but his Lordship, with proper spirit, declared he wanted no favours.

Soon after twelve his Lordship left the House and got into his coach, together with the Serjeant at Arms, the populace took his horses off, and drew him through applauding multitudes to the Mansion-house; at Temple-bar they stopped the coach and would have made the officer of the house get out. On the other hand Lord North came out of the House muffled up in a green bays cloak; and a hat with a large gold band, surrounded with ministerial members, who conveyed his lordship through a private door with safety.

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T. H. E.

# POLITICAL REGISTER

For M A Y, 1771.

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N U M B E R L I.

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To the EDITOR of the POLITICAL REGISTER.

S I R,

**S**INCE subjects of the political kind engross most of the public prints, and possess the largest share of conversation in all companies, even to the banishing that variety which has hitherto been esteemed the life of the social hour; and since there are very few persons but think themselves authorised to exercise their judgment on the nicest questions relative to the *government of kingdoms*: I hope you will not deem it an useless, or improper attempt, to trace this subject a little higher than your daily *news-paper* authors take time to do; especially as my view is, to make the generality of my countrymen talk a little more pertinently to this matter, which they generally introduce at all times and seasons, without the least scrutiny into their own qualifications for so intricate a theme, or to the concealed superior abilities of their patient hearers, who are tortured without mercy in this political inquisition now established in almost every private house in town and country. So general is the epidemical disease of political gossiping, that you cannot meet a farmer, or a country shop-keeper at a fair or a market to conclude a bargain or transact common business, but you are sure to have some questions proposed concerning the state of public affairs, which draws on argument after argument, till the controversy becomes warm, and the friendly glass which used to ratify our trading

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contracts

contracts, becomes the foundation of animosity, abuse, and declared enmity between neighbours, because they have taken up, and differed about points which none of them understand, and in which they cannot so usefully employ their time, as in cultivating rural peace and harmony amongst themselves.

My design in the essay I have the honour to send you, is, to shew the illiterate, and such whose vocations will not allow them the leisure to acquire true political knowledge, that their ignorance of the grand principles of civil government, and of political freedom, should impose on them a modest silence, because by conversing freely and unguardedly on such important subjects, when they know little or nothing about them, they cannot do any good; and may throw out many things highly detrimental to society, as tending either to inflame the passions, or disturb the repose and tranquility of individuals.

To the generous citizen; and men of refined sentiments, whose minds have been cultivated by a liberal education. I flatter myself, these my labours will not prove useless. To them I recommend, the silencing all dabblers and smatterers in politics, who frequent our coffee-houses, and distract societies of men assembled to pass an agreeable evening together, by questioning them, in a masterly manner, on the rudiments of policy; and if they cannot give a rational deduction of the origin and first principles of the science of politics, it may be fairly concluded, they are unqualified to judge of any public disputes dependin<sup>g</sup> between administration and the people; and some other subject may be decently proposed, as better adapted to their capacities, and to the plan of making conversation lively and entertaining by an agreeable variety, in which every man may bear a friendly part.

The great lord Bolingbroke in his letters to Mr. Pope, asserts that *politics* may be termed the first philosophy; and though this may admit of some dispute, yet it will not be denied that the science of government was one of the first studies which engaged the attention of the learned. As a proof of this, the most ancient philosophers were all conversant in it, and many of them are celebrated in history as legislators. From hence it appears, that it is no light or trifling matter to converse or write sensibly on political subjects; yet men of the most uncultivated understandings, and beardless youth, now assume the dictatorial stile in all companies, and venture to give a decisive opinion on all the public transactions of the British government.

The freedom of the constitution is pleaded as a warrant for this behaviour, and as it is not my intention to deprive my countrymen

countrymen of any of the privileges it allows, I shall only beg leave to point out to them the origin of civil institutions; and to state the arguments which have been brought in favour of the three grand systems of government which have prevailed in the world. To which I shall add a sketch of the history of England, as an illustrious example of *national spirit* always exerting itself, and generally with success, in favour of *public liberty*; the influence of *freedom* on the temper and genius of a people, and the remarkable correspondence of our national character with the system of government we have chosen, will strike us with admiration as we proceed, and I humbly conceive, throw a new light on some of the political transactions of the present times.

Though it evidently appears that only one system of government took place in the earliest age of mankind, which was the patriarchal, or the government of families and tribes by one chief, styled the father of each; yet no sooner did societies multiply, but they formed themselves into different settlements remote from each other, and their pursuits in life varying with time and circumstances, it became necessary to change their mode of government, and to adapt it to the different situations in which they happened to be placed; and the advantages they proposed to themselves by particular views. The ambitious, who were disposed for war and conquest, admired one form of government; those who were inclined to promote the arts of peace, and to cultivate commerce, gave the preference to another: and thus the *elements* of several political systems were introduced into the world. Experience gradually discovered the imperfections and excellencies of each rude model, and men of genius applying themselves closely to the principles of sound policy; the result of their studies was, the establishment of three capital forms of government, each of which has its zealous advocates; and as all of them prevailed with success in different ages, to compare the advantages and disadvantages of each of them, became a constant subject of speculation and controversy among the learned in several countries, but particularly in Greece and its colonies, in which the most various learning prevailed. This study is peculiarly adapted to the character of a British senator, yet how few take any pains to accomplish themselves by an early attainment of political knowledge! I lately found a passage in the oldest of the Greek historians, where the contrast between *Monarchy*, *Aristocracy*, and *Democracy* is so ingeniously and so concisely supported, that I could not resist the temptation of extracting this ancient state of the argument for the public benefit, at a time when we are apt to entertain such vague

idea of government, and are continually loading the press with prolix dissertations in behalf of the particular system we have conceived to be the most perfect. Indeed, so much has been advanced lately in favour of republican forms of government, that if experience did not contradict it, we should be apt to conclude it impossible to be free and happy under any, even the most limited monarchy.

We are told by our author, that after the usurpation of the throne of *Perſia* by the *Magi*, was extinguished, the few, but successful conspirators, consulted together, in what manner they could best dispose of the vacant sovereignty. They were of different opinions about the most eligible form of government; and the debate was carried on with great spirit and good sense in the following manner:

“ Every principle and end of government, *said one*, is subverted in an absolute monarchy, where the arbitrary will of the prince usurps the place of laws. Supposing him to be the most virtuous of the human race, is not the possession of such unlimited power sufficient to produce an entire change in his sentiments and behaviour? The affluence of prosperity will spirit him up to insolence, and yet the remainder of his natural fears will render him jealous of other men. Let it only be considered what a train of unjust actions may flow from these two vices. If it be alledged that he, who hath absolute dominion in a state, can neither entertain envy nor jealousy of men placed so far below him, yet experience will shew it to be quite otherwise; and that the good, or eminent qualities of some of his subjects will often excite the monarch’s envy, so far as to incline him to make confidants of such as are of a very opposite character. And as the grounds he hath for jealousy are many, he will be ready to take offence, whether men be sparing or lavish of their applause. But worse consequences still are to be dreaded from the passions and caprice of an arbitrary prince; for what security can a nation have against his infringing the most fundamental laws of society, and rapaciously seizing at pleasure, the lives and properties of his subjects?

“ On the contrary, when the sovereign power resides in the people, a constitution takes place truly noble, and founded on equal laws: by which means the outrages inevitable, under the government of a single person, are prevented.

“ In a commonwealth the public honours and offices are distributed by lot, or rotation. Every magistrate hath only a delegated power, for the exercise of which he becomes accountable. The wisdom of the state communicated in  
“ public

" public councils is rendered subservient to the public good  
 " and what government can be deemed so just as a popular  
 " system, since the source of all power and privilege is found  
 " in the people?

" I will allow, *said another*, that the lawless power of one  
 " person is an absurd establishment in any state; but the fore-  
 " reignty of the people is still more irrational. For what is  
 " so void of understanding, and so prone to insult as the mul-  
 " titude? If the insolence of one person is to be dreaded and  
 " shunned, how insupportable must it appear to the licentious  
 " rabble! The former hath, at least, the sense of knowing  
 " at what he aims, but the latter is incapable of any sort of  
 " reflection. Sunk in ignorance, and wanting the means of  
 " instruction, the populace can never discern, either what is  
 " fit or honourable in the conduct of public affairs, but rush  
 " on with a blind impetuosity, like a torrent swelled with the  
 " winter rain. If confusion and mischief are to be introduced  
 " into a state, the readiest method of doing it is, to lodge the  
 " supreme power in the hands of the common people.

" A senate, composed of the grandees, hath the only just  
 " title to sovereign authority: by their knowledge and abili-  
 " ties the honour and interest of a nation must be best main-  
 " tained.

" It is demonstrable, *said a third*, that the multitude are  
 " utterly incapable to bear rule. A government constituted  
 " of the nobles or chief men of a state is also liable to many  
 " just objections. Monarchy is undoubtedly preferable to  
 " both, as being more simple in its form, and capable of  
 " existing in greater perfection than either a commonwealth  
 " or an Aristocracy. A prince who has abilities and pene-  
 " tration, will govern in such a manner as to remedy the  
 " grievances, or prevent any complaints from his people.  
 " His councils will not be disclosed to the secret or avowed  
 " enemies of the state.

" Though in an Aristocracy, the parts and industry of many  
 " seem to be combined for the public service, yet the tie of  
 " common interest is not strong enough to resist the violence  
 " of private feuds and animosities, which never fail to break  
 " out in such a constitution. For by every one's aspiring to  
 " become a leader, and to give the tone to the suffrages of the  
 " senate, inveterate resentments are kindled, seditions arise,  
 " massacres and anarchy follow; and necessity reduces the  
 " unhappy people to submit to the dominion of a single person  
 " not elected by them, but assuming the sole authority by  
 " usurpation.

" In



“ In a Democracy a spirit of detraction and malice universally prevails. The management of public affairs is made the subject of reproach and obloquy; and secret cabals are formed for the invention and propagation of open calumnies against the state; these private meetings beget confidence and friendship, which being cemented by the communication of the complaints and disgust of individuals against the public rulers, they at length ripen into desperate plots and conspiracies.

“ In this extremity the people have no other resource but to devolve the power of protecting them upon some one man; who, being successful, becomes their idol, and consequently their monarch. But to conclude the argument!

“ The abilities of a single person have generally procured the greatest blessings and advantages to a people; and few nations there are that boast of public liberty, but have owed it to the heroism of some illustrious chief.”

When the arguments for Monarchical or Democratical government are, in such a speculative way, weighed and canvassed, they appear so equally balanced, that cool and impartial reason must hesitate, and be at a loss to decide which of them merits the preference. It is observable, however, that the partisans of Monarchy, both ancient and modern, have considered party-spirit, faction and popular tumults, as the greatest bane to the felicity of government, and have maintained that the perfection of policy consists in guarding against any tendency to such disorders.

The favourers of Democracy, on the contrary, are inclined to make light of those inconveniences, or to look upon them as neither so repugnant to the nature of government, nor so pernicious in their effects, as an unlimited subjection to the arbitrary will and pleasure of a single person. It must therefore be by an appeal to the history and experience of mankind that we must form our judgment, whether greater national evils have been produced by the tyranny of princes, or the factions of republics. After the most industrious collation of facts, and examining all that the learned have advanced upon this topic, we are obliged to conclude, that the Democratical system has succeeded best in some countries, and the Monarchical in others. Therefore we need not wonder that the standard of policy in different parts of the world, has, in fact, been regulated by the particular genius, temper and situation of the people, rather than by any speculative principles of government, which are too abstracted in their own nature, and too variable in their influence to affect the bulk of mankind.

The

The political contrast, which appears between the nations of *Europe* and those of *Asia*, cannot well be accounted for in any other way but by allowing that the genius and temper of mankind is extremely different in the various regions of the earth; and that the operation of physical causes must have concurred to produce this distinction of sentiments which has so generally been obtained.

It should seem that the people inhabiting the warm and mild climates of the east and south, prefer indolence and quiet to all other considerations: and rather than be active in the maintenance of their natural rights, tamely submit, upon any tolerable prospect of present safety and protection, to bear the yoke of absolute government. Content with the bare necessities of life, and more afraid of toil than poverty, they challenge not the authority of their rulers, nor are they solicitous in examining upon what foundation the public interest stands.

But the northern nations, bred in a sharper air, and a more penurious soil, are rendered vigorous in body and mind: enterprising and bold, they grasp whatever serves as a provision against want. What they gain by laborious industry, they are anxious to secure, and dread even the restraints of civil government, unless the protection and safety of the persons and property of individuals be made a public concern.

The genius of the European nations, from the causes already assigned, appears to stand in direct opposition to despotism: and all its governments partake in a greater or less degree of the spirit of public liberty. Absolute, unlimited arbitrary power, dressed in its ancient garb of ferocity and barbarity, will not now be endured in any of them; for even in Muscovy, according to *Montesquieu*, several efforts have been made to emerge from despotism. But the fluctuation of manners, divisions about systems of policy and religion: the advancement of arts, navigation and commerce; and the introduction of wealth and luxury have concurred to operate amazing changes in the political state of Europe. Some nations, from having revived the ancient spirit of liberty in all its force, have, by effeminacy and the corruption of riches, been thrown back again, almost to the verge of ancient despotism; while others, by modifying the principles of the three systems of government, have happily extracted the essence of each, and formed a plan in which their natural genius for liberty corresponds with the public interest—and yet is not incompatible with either the regal authority, or the democratic powers. Great Britain and Holland furnish two remarkable instances of a successful modification of the ancient systems of policy, so as to afford the fullest enjoyment of civil liberty—  
from

from adopting some, varying others, and rejecting many of the principles of Monarchy, Aristocracy and Democracy.

The establishment of the hereditary stadtholdership, the allowing titles and distinctions of nobility, together with certain constitutional forms of law and judicature, make the government of Holland partake of some of the properties of Monarchy and Aristocracy, and forbid us to stile it a republic, formed like those of ancient Greece, on the principles of virtue and heroism, yet we cannot deny that a genuine spirit of liberty, adapted to the commercial genius of the inhabitants is interwoven into the Dutch system of policy.

As for Great Britain it has puzzled the best political writers to find out a proper denomination for its complex form of government. By some it has been stiled the Gothic balance, by others a mixed monarchy; but most have agreed, that though they could not give it a proper name, yet its constitution was superlatively excellent, retaining the advantages, and rejecting the disadvantages of each of the three general systems of policy; and, at the same time, keeping in view the chief end of all civil institutions—"The providing for the security, ease and welfare of the individual, by the wisdom and integrity of the community."

Upon this grand principle all the struggles against the encroachments of the sovereign power, vested in one person, ought to proceed; and many of the periods of the English history demonstrate, that when the defence of the public privileges of the people against notorious violations of them, has been the sole motive to an opposition of the royal authority, the honest pursuit has been always crowned with success; but when the ambition or avarice of factious leaders, or a restless, dissatisfied temper in the people, impatient of rule, and thirsting for change, has given birth to sedition and insurrection, the sovereign has generally prevailed, and in the end rendered himself more arbitrary, on the ruin of these partial oppositions.

Before the reformation the people of England appear to have blended together the defence of public rights, and the disputes about the lineal succession of their kings. And whenever a controverted title made it necessary for the prince upon the throne to recommend his government to the approbation of the people, the public voice never failed to testify how much more deeply affected they were by a concern for liberty than by any other political tie, and therefore some important recognition of national privileges was always obtained, as the price of maintaining the pretensions of the reigning monarch against his competitors.

In this manner were many of the principal lines of public freedom marked out; but still the privileges of the people rested only on these temporary concessions; and the rising form of public liberty was liable to be defaced by the extended arm of royalty which retained a despotic power. But as soon as that signal change in the established system of religion took place, the progress of literature was favoured; and freedom of inquiry and debate both in religious and political matters being vigorously exerted, gave birth to new ideas. It was soon discovered that the liberty transmitted from their ancestors was precarious, from its not being reducible to a regular system. Popular privileges began now to be converted into constitutional claims. The crown, in opposition to the enlarged intelligence of the people, fenced itself round with all such obsolete statutes and usages as exhibited the most exalted notions of the royal authority. But the same good understanding, now left at liberty to range through the fields of science, which had opened their eyes to the religious slavery in which they had been held by bigotry and superstition, enabled them to envisage more distinctly the false pageantry of monarchy, and to strip it of some of the high plumes of prerogative, with which it had been decorated originally by the people. The prince and people having thus contracted a mutual jealousy of each other's pretensions—parties on each side were gradually formed out of these dissensions. The friends of royalty sounded forth, in the most pompous manner the high prerogatives of the sovereign. The popular advocates as warmly contended for the rights of the people; and construed every slight exertion of the regal power into an intolerable grievance and oppression. The flame was smothered for a long time, till at length both parties being ripe for action, it burst forth in the reign of a prince who was unfortunately disposed to stake his crown and life on the chance of the die, resolving to hazard all in support of the royal prerogative, against a people equally determined to sacrifice their lives and fortunes, in defending and firmly securing to after ages what they now claimed as inherent rights. The progress of this contention, long before it came to extremities, bears a striking resemblance to the present times in some instances, and differs as widely in others. Parliaments were no sooner met in the beginning of Charles's troubles, than they entered upon national grievances; and spoke loudly of ascertaining public privileges, instead of raising supplies. The conduct of our parliament is the very reverse, for the sovereign and his ministers have only to ask, and they are sure to obtain immense sums—no alteration therefore in favour of any popular claims

can be expected, for prerogative holds the sword and the purse, both of which are furnished by the representatives of the people.

But our historians record, that the court in the reign of Charles the First, being provoked, could not forbear menaces and insults. And that the people being incensed at many insufferable restraints on civil liberty, and by several outrages, which royal authority endeavoured to justify or palliate, the breach was daily widened by well grounded apprehensions of some more gross and violent designs against public freedom, till at length the public vengeance was roused to that pitch, that no parleys, expedients, or even concessions availed to remove the growing disorder of the state. The tragedy that followed is but too well known, and should make people very cautious how they grow warm in political debates, and on what grounds they interfere in serious contests between the prince and the people. For the horrors of civil war, weighed in the scale with slight grievances will bear no proportion, better therefore to bear the lesser, than bring on the greater evil. Cool reasoning and a candid reference to the history and experience of past times, are the only arms we ought to use while any hopes of reconciliation and reformation remain. The fate of Charles may be properly urged as an antidote against the poison of prerogative principles. And the subsequent anarchy and confusion of the state, as a lesson to republican zealots, who may learn from it, how necessary it is to be well assured of setting a country free from all oppressors, and of securing the liberties of the people on a firm basis; before they talk so freely of violent measures against government. How easy it is to remove one tyrant, to make room for another, may be seen in the histories of Charles Stuart and Oliver Cromwell. The short-lived power of the latter died with him, its image just appearing and vanishing in his successor.

The attachment to kingly government so strongly marked in the annals of Great Britain, and demonstrated at no period in so singular a manner as at the *restoration*, (when men were so intoxicated as to sacrifice the greatest part of their privileges to a weak, debauched, dastardly monarch, after having cut each others throats, and brought his father to the block, to preserve them,) is another lecture proper to be read to those who, depending on the clamours of an inconstant multitude, are but too apt to think our form of government might be changed or new modelled at pleasure.

The revival of attempts to restrain the liberty of the subject, and to extend the prerogative under James the Second, may  
be

be produced as a counterpart to the foolish fondness for royalty shewn in the preceding reign. And finally, the last glorious revolution in this country, may be brought in proof of the following historical truth: "That in all the revolutions that have happened in England, the balance has always preponderated on the side of popular liberty;" and with more efficacy in the last than in any other.

To this *memoir* we may annex a remark, by way of supplement: "That nothing can be more idle than to imagine that this country will ever be converted to an absolute monarchy, or that a certain species of it, will not be so disagreeable or inconvenient in this free state, as is commonly represented."

To silence the herd of northern advocates for this opinion, who are perpetually instilling these notions into the minds of youth, and often venture to broach them in pamphlets and essays—let it be considered that a certain cast of manners and character is acquired by every people, from the particular species of government to which they have been accustomed. For as there must be some leaning or tendency of the national spirit and temper towards a political system before it is established in any country, so, by a reciprocal operation, the nature of government being once fixed, contributes to regulate and confirm the sentiments and manners of the people. The natural genius of a nation accustomed to freedom, shoots out in various shapes and appearances, which absolute monarchy cannot permit. Besides, a supposed transition from a state of public freedom to that of subjection to arbitrary power, must always carry with it the complicated idea of restraint, violence, and compulsion, as also the notion of suffering or distress, which is naturally entertained by a people, on the view of changing a free for an absolute government.

This reasoning cannot be better confirmed than by a passage in Voltaire's *Anti Machiavel*. "We know of some nations in Europe, that have shook off the yoke of their tyrants, and established a sort of independence, but we know of none who, from being free, have subjected themselves to a voluntary servitude. For even the *Danes*, in surrendering their liberties did no more than prefer one master to many: they made their sovereign absolute with no other view, but to deliver themselves from the tyranny and oppression of the nobles."

It is likewise observed, that, from the effect of our climate, an uneasy melancholy which agitates the mind, and renders it easily susceptible of disgust, is very prevalent. To a people who have such a bias in their natural temper, a system of political liberty is congenial; and therefore any revolution that

caused a deviation from it, would prove more shocking and insupportable to them, than to a nation whose natural complexion is the reverse. As the characteristic gaiety and versatile spirit of the French cannot be imitated in this island, we must degenerate far more than they have done, and sink to the lowest degree of credit and reputation before a change of government can hope for the least success with us, which is founded on any arbitrary system like theirs, how moderate or mild soever it may be accounted. If the principles I have advanced in this essay, and the remarks I have made on the history of our country be just, we have very little to apprehend at present from any schemes of the court; and therefore we cannot be too temperate in our animadversions on political subjects. Not that our national attachment to our constitution should be suffered to grow faint and languid; that laudable jealousy of public administration, which civil liberty inspires, should be encouraged, but we should be careful not to endanger the very existence of that constitution, by conspiring to swell the catalogue of public grievances, or shewing a disposition to proceed to extremities, before we are certain that the vitals of liberty are really mortally attacked. I apprehend the wounds hitherto discovered are but skin-deep, and that if we do not irritate them by improper caustics, they will heal of themselves, and a most cordial reconciliation take place between the friends of the prince, and the popular supporters of the fundamental rights and privileges of the people.

This, Sir, as was elegantly hinted lately on another occasion, is a *consummation* devoutly to be wished; and I shall think myself very happy if the publication of the sentiments of an independent country gentleman, through the channel of your useful Register, contributes in any measure to bring it about.

*Salisbury, April 18. 1771.*

HORTENSIVS.

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TO THE EDITOR OF THE POLITICAL REGISTER.

*Observations on the Liberty of the Press and Party Writings.*

SIR,

SO many excellent things have been said and done in support of that inestimable privilege, *the liberty of the press*, that nothing need be added, either to point out its importance, to enforce its utility, or to animate the people of this nation to be strenuous in preserving and transmitting it inviolate to the next generation. But while this glorious right has been main-

maintained on that firm basis of public spirit, which is our grand characteristic, little or no justice has been done to the other side of the question, and the shameful *licentiousness of the press*, has almost passed unnoticed. The subject being unpopular, few writers have ventured to take it up; and those that have favoured the public with their sentiments on this evil, finding themselves branded with the opprobrious epithets of mercenary hirelings—slaves to a junco—and tools to a corrupt administration, soon gave up the dispute; and were no more heard of. The channel likewise to writings of this cast is not free and open, as it is to the writers in defence of the press: few, if any of our news-paper managers will permit the insertion of letters on that abuse of the liberty of the press, of which they are so frequently guilty, either for interested motives; or through inadvertency. To whom then, Sir, are the aggrieved to fly for redress: you will tell me the laws are open, and a British jury will not fail to award proper damages, where personal injury is sustained either in reputation or property, from the publication of slander or falsehood; but besides my having an insuperable aversion to the chicane and delays of lawyers, you will give me leave to tell you, there are some injuries done to individuals by the publication of falsehood; against which even this door to reparation is effectually shut. This is the case when false reports are spread concerning public bodies and societies of men, in whose trust and management individuals have deposited all, or the greatest part of their property. It is no easy matter to move a public company to prosecute the publisher of false news, and the attack being general; aimed at the whole; the individual, who is no less a sufferer in his peace of mind, and perhaps in his estate, is precluded, by this situation of the affair, from prosecuting for his particular damage.

As my complaint, Sir, is of a very serious nature, and I have reason, from your professed candour and impartiality, to believe you will communicate it to the public, I must request you to permit me to preface it, with some cursory remarks on the too general state of the press, with respect to public affairs. I live at some distance from the capital of this great kingdom, and most solemnly protest to you that I have no connection direct or indirect with administration, or opposition. I take in the news-papers regularly for my amusement and information, being a sincere well-wisher to my country, I rejoice when we are at peace with our neighbours; and all is quiet at home—but when rumours of war, or civil discord threatens the state, my mind is ruffled, I cannot enjoy that heart-



heart-felt satisfaction in my rural retirement, which my breast glows with, when I am assured that the glory, renown, and prosperity of Great Britain is firmly maintained both at home and abroad by the wisdom of her councils; and that her subjects are universally content and happy. I leave you to judge then, what must be my sensations on discovering, that *intelligence*, which has made my blood run cold, and has thrown me almost into a state of despondency for the fate of my country, has proved to be only a lying invention, a running device, to answer some party purpose, or some lucrative view. Can you suppose, Sir, that when some rival printer informs me, his competitor inserted *such* and *such* a paragraph, as founded in truth, when he knew it was fabricated by the leaders of a particular party, only to embarrass the ministry, or made up in Change-alley to alter the prices of stocks, it is possible for me to give the preference to modern liberty, compared, in some respects, with that of ancient times. No, Sir, however unfashionable and unpopular it may appear, I must confess to you, that I have often most earnestly wished for the revival of the XXVIIIth law of ALFRED the Great, which was made against public defamers, or spreaders of false news—"It ordains, that such an one, being convicted, should suffer no less punishment, than the cutting out of his tongue, except he redeem it by paying the value of his head; and even then he was afterwards to be esteemed of no credit."—In those days they were defamers, or spreaders of false news by word of mouth, in ours it is chiefly by writing. I should therefore suppose that the hand would be the member to undergo the punishment, on the principle of Alfred's law.

With respect to ministers of state, I do not think it at all necessary to revive this law, for they have a thousand ways of persecuting the poor devils of printers for defaming them; but when individuals are wounded through the sides of government, and more mischief is done to a quiet, inoffensive subject, no way interested in the party disputes of the times, by a single paragraph in the news-papers, than by a single highwayman on the road, I can find no justice or equity in taking away the life of the one, and suffering the other to escape with impunity. Yet strange as it may appear to you, both these events have happened to me, much against my will, at different periods of my life. Some years since I was robbed by an highwayman of an old silver watch of little value, with three guineas and some silver, as I was going to Market: the same day he was taken for another robbery, and on my appearing and claiming my watch found upon him, I was bound over to

to prosecute—the event was, that he suffered death by the laws of his country. But it is not a month since I was robbed of above one hundred pounds (privately stole from my person) by a public defamer, or spreader of false news; who dared to assure the public in general, on the commitment of the worthy lord mayor and his brother alderman to the Tower, that this event had so deeply affected vast numbers of persons of property, that they were determined to sell out immense sums from the public funds—that there would be a very great run at the Bank—that they would be obliged to pay in silver, as an expedient to prevent stopping payment; and that bank notes would be at a discount. Though greatly alarmed at this intelligence, I quietly smoked my pipe, went about my usual business, though not with alacrity, and thinking it the duty of an honest man, to conceal such dismal news from my neighbours, I put the paper in my pocket, refusing to lend it, as was my usual method, and resolved to wait the issue of next post, when I hoped the storm would be blown over, and the good magistrates be released from their confinement. But what was my astonishment upon reading in the ensuing paper, that the run upon the Bank was actually begun. I now thought it high time to saddle my nag, and repair to London, a place I had not visited since the time that I had deposited great part of the profits of my honest industry in trade, in Bank stock. You may be assured I lost no time, ruminating, however, as I pursued my journey, on the seeming absurdity, that public credit should be endangered, and men be induced to remove their property from the funds, barely on account of a contest about privilege, between the house of commons and two of their own body. To make short of my story, on my arrival at the great city, I went to the house of an old fellow citizen, who not having seen me for many years, expressed uncommon surprize at this sudden, unnoticed visit—and methought I was introduced to the family as a wild beast, or a Hottentot, and truly, Sir, in that light, they appeared to me. If the alteration in my person and dress, since I left the warehouse and commenced what is called, gentleman farmer, seemed strange to my old friend, it was no less so to me, when I found a small silk rose, a kind of bastard bag, pendant to the wig of a man of near seventy, in the place of venerable silver locks, or of a full bottom, grave, manly ornament to hoary age. As to the towering cauliflower heads of his daughters, I will not attempt a description of them, nor yet of the frized and-pasted pate of his eldest son, which I wish I had never seen,—for having imparted to young hopeful, my business to London, he informed me that his father knew

know nothing of public affairs, and had almost given over the trouble of all business and thought, but that of resting and enjoying myself in the country. The good old man, not contradicting this assertion, and it being his usual hour of retiring to rest, I prevailed with the young gentleman, after much intreaty, to sit an hour with me, instead of repairing to an assignation he said he had on his hands, but he was tired of the piece, and did not mind giving it up for a night to oblige me. Then producing my fatal paper, I asked his opinion, how I should act—Sell out—sell out—we are all bought and sold, by G—, went all the articulate sounds I could get from him for a few minutes, during which he continued to repeat them. At length he confirmed all my fears, gave me to understand we were totally undone, and that he would be the happiest man, who should hold his purse ready in his hand to depart for some other country, when this damned sink of corruption, this enslaved country, was tearing to pieces with civil wars in defence of the just rights of the people. Little suspecting the integrity of the son and heir of my friend, I followed his advice the very next morning, sold out my all; and had not been in possession of my money twenty-four hours, before I read in the daily papers, acknowledgments of their having been imposed upon in copying such intelligence from an *evening paper*, and contradicting the false report with an air of authority. The young gentleman being gone to 'Change, I showed this fresh intelligence to his father, at the same time informing him what I had done: he, with the cool indifference of a debilitated old man, who seemed to live only to eat, drink, and dress, to please his fashionable grown gentlemen and ladies—his son and his daughters—told me his son was rather too hasty and too hot, since he had belonged to \* \* \* society, and had been proprietor of an evening paper—naming the very paper that was the source of my error—that he was afraid I was wrong, and reminded me of another ancient friend and neighbour, whose opinion he wished I had taken. Judging, that it might not be too late to rectify a mistake, I called on my quondam neighbour, who was still the plain, simple, honest, frugal citizen I had formerly known him. He did not find me so much altered, as my other friend's family had done, and after a frugal repast, in the old English way, I broke my business to him; but never did I behold such expressions of united pity and resentment seated on a melancholy brow—at length recovering himself, See, said he, the effect of our domestic feuds and animosities—neither the partisans of the court nor of the people stick at any falsehood to accomplish their private views—you are abused,

abused, injured; and, if we lose time, perhaps left without a remedy—I respect my neighbour—but as for his son, he deserves punishment, the puppy never studied a page of Locke, Sidney, or any of the great writers on government, and yet he decides with arbitrary positiveness on the fate of kingdoms, on the great events of war and peace, and on the conduct of administration. The funds neither are, nor can be materially affected by any of our domestic contentions; a small fluctuation indeed any idle rumour will effect, and if you suffer a little by your credulity, it will serve to make you more cautious in trusting to news-paper intelligence for the future. In fine, Sir, my good friend got my money re-instituted the next morning, but the difference of price, brokerage, and the expences of my journey, amounted to a loss of above one hundred pounds. However, before I left London I gained considerable experience, of the ways of men concerned in political contests; and my deliverer from false fears, furnished me with some observations on party writings, which have dwelt upon my mind ever since, and I really think them so just and pertinent, that they ought not to die with two old men, I have therefore sent them to you, in hopes you will usher them to the press.

“ One particular consideration should accompany all the actions of men—they should be strictly *moral*, especially where such actions affect others—more so, if they affect many, and above all, if they affect society in general. And as all writings, which are addressed to the public, stand in this predicament, it is greatly incumbent on the authors, as honest men and good citizens, to take care that what they write be dictated by truth and candour; and that it be useful and important. This is the purpose, and moral end of writing, and all well-disposed men will religiously observe it, if they do not, most assuredly they cannot merit the glorious title of patriots.”

“ This rule, which is certainly a very good one, is too little regarded, so far from it, that it is most commonly violated or neglected, especially in party-writings, which, instead of instructing the ignorant, and doing public good—too often mislead our judgments—misrepresent public characters, falsify facts, and promote popular injustice and mischief. Indeed, during the warm contention of two parties, it is almost impossible to meddle with either, and yet please both. The very term *party* implies partiality in substance as well as in sound. If you say, that they are both wrong, even where they are so most apparently, you offend both. If you vindicate one, though upon the best grounds, you disoblige the other.

offer. For reason and truth are not the standards of their opinions of each other. Those whom we wish to be always in the wrong, we are ready to believe are so; and therefore are not very willing to own, even when we know it to be so, that they are in the right. When therefore this party-spirit prevails, which is often propagated by immoral writings, it is a difficult and perhaps an unacceptable task to attempt to restore mutual peace and charity, with the exercise of calm reason, and the love of truth—but it is an undertaking worthy of the best endeavours of a true patriot.

“Party is apt to raise the passions, and to keep them continually awake, and when men are inflamed they are not so well qualified to reason as to rail, and hence it arises that party-writings are generally malevolent, fierce, and venomous, charged with gross abuse of persons, and scandalous misrepresentations of facts; not calculated to convince opponents, but to mortify and provoke them; nor yet to inform the people, but on the contrary, to incense, and frighten them. What can be more immoral than the scope of such writings. What more dishonest and contemptible—the whole or chief merit of them consisting in propagating deceit and injustice—in raising false alarms, and imposing on popular credulity. It is no wonder then that such writings, though they may prevail and be popular for a time, sink into oblivion, as soon as the crisis which gave birth to them is over.

“Writings which meddle with public affairs, should proceed on a principle as wide and diffusive as the public to whom they are addressed. Men of sense will never believe that such as descend to invective and personalities, or to flagrant untruths, can be intended for the public good. Public spirit considers nothing but what bears relation to the public; and it is both needless and ridiculous to enter into personalities, where a man’s public actions are sufficient to condemn him. If the punishment of public guilt be all that is aimed at, why should he be attacked in his person or private affairs, which have no connection with his public transactions.

“If the morality of writings were observed, how much evil would it not prevent, and what great advantages might we not expect to derive from it. It would, in a great measure, restore tranquility to the nation, and greatly promote peace, charity, and honesty among private people. Nothing can be more cowardly or roguish, than for a man to sit safely and covertly in his closet, and from thence, as from a citadel, assault mankind with the missive weapons of slander and detraction. It is a further aggravation of this baseness, when its plan is to raise popular discontents and to excite tumult and sedition

sedition. True patriotism abhors such conduct, and, if properly attended to, would prevent it.

“ There is a natural rectitude in the mind of every honest man, which biasses him in favour of truth and justice and an abhorrence of falsehood. And the same integrity and purity of soul, which determines a man to be just in his private dealings, will influence and direct his public conduct; it will make him as tender of injuring the character and misrepresenting the actions of public men, as he would be of assaulting or hurting his private neighbour. Let all party-writers and their performances therefore be tried by this test—and wherever we detect falsehood, let us conclude whether the writer be a JUNIUS or a JOHNSON—an Englishman or a Scot—he can neither be an honest man, nor a sound patriot.

I am yours,

AN HONEST YORKSHIREMAN.

*Boroughbridge, April 22, 1771.*

P. S. I apprehend no news-paper will parloin this letter from you, though I observe they have often borrowed, what I think without vanity I may say is not to be compared with it, for public utility. As to the dress of it, it is plain and homely as the writer.

#### THOUGHTS upon ANNUAL PARLIAMENTS.

##### *An Extract.*

IN all free governments there ever were, and ever will be parties: We find that Sparta, Rome, Athens, and all the Greek colonies in Asia Minor, had their Aristocratical and Democratical parties; while the only contest among the subjects of the kings of Persia was, who should be the *greatest slaves*. The truth is, different understandings, different educations, and different attachments, must necessarily produce different ways of thinking every where; but these will shew themselves in *free* governments only, because there only they can shew themselves with impunity.—However it was not the existence of the two parties I have mentioned, that destroyed the liberties of any of those cities, but the occasional extinction of *one* of them, by the superiority the other had gained over it: and, if *we* ever should be so unhappy as to have the balance between the orders destroyed, and that any one of the three should utterly extinguish the other two, the name of a party would, from that moment, be unknown

in England; and we should unanimously agree in being slaves to the conqueror.

Parties, therefore, are not only the effect, but the *support* of liberty: I do not at all wonder that they are perpetually exclaimed at by *those in power*: they may have, sometimes, reason to be dissatisfied with the parties themselves, but have much more to be so with the *heads* of them; for these are properly their *rivals*. The bulk of the party aims, generally, at no more than a reformation of what they think an abuse of power; the others, at the power itself, without considering the abuse, unless it be to continue it: the party quarrels with things, and the leaders with persons; consequently, a change of measures may appease the *first*; but nothing less than a change of ministers can satisfy the *last*. However, in one respect, these leaders often give ease to ministers without designing it; for, as they generally attack upon personal, rather than national points, their followers are unconcerned in the contest; and considering themselves as spectators, rather than parties, do not think it incumbent on them to go great lengths for the choice of ministers; especially, since by the indifference their leaders shew for national points, when they are aiming at power, (which is the season for giving hopes, as the gaining it is for disappointing them) their followers have but little reason to expect they will shew a greater warmth for them, when they have attained the possession of it.

But whatever may be the success of the opposers, the public reaps great benefit from the opposition; since this keeps ministers upon their guard, and often prevents them from pursuing bold measures, which an uncontrouled power might otherwise tempt them to engage in: they must act with caution, as well as fidelity, when they consider the whole nation is attentive to every step they take, and that the errors they may commit will not only be exposed, but aggravated: in the mean time, a thirst of power, irritated by disappointments, animates the application of the opposers to public affairs, infinitely more than the languid impulse of national considerations: by this means they grow able statesmen, and, when they come to be ministers, are not only capable of defending bad schemes, but, when they please, of forming good ones.

Another great advantage that accrues to the people from this opposition is, that each party, by appealing to them upon all occasions, constitutes them judges of every contest: and, indeed, to whom should they appeal, but to those, whose welfare is the design, or pretence, of every measure? and for whose happiness the majesty of Kings, the dignity of Peers,

Peers; and the power of the Commons, were finally diffu-  
tuted. This is undoubtedly the end of their institution; and  
this end it is their glory, as well as duty, to accomplish; for  
what greater honour can be done to the three orders, of which  
our government is so happily composed, than to look upon  
them as they really are, that is, as the channels through  
which ease, plenty, and security are derived to millions of  
people?

I would not willingly do injustice to persons so useful, as  
all times, to the public, whatever they may be to themselves;  
as the heads of an opposing party; but shall mention one  
point, to which I will appeal as to a touchstone of their  
conduct, and by which it will evidently appear whether it is  
influenced by personal or national considerations: it is this:

There is not, I believe, in Great Britain, a man who is  
not convinced, nor a man not actually in the administration,  
or not *expecting* one day to be in it, who will not own, that  
“ANNUAL PARLIAMENTS are an EFFECTUAL  
“CURE for all the evils that are felt, feared, or complained  
“of.” If this is so evident a truth, how comes it to pass that,  
for this last century, ever since an opposition to a ministry was  
made the *road to a succession* in it, that so national a point has  
been neglected? How comes it to pass, I say, that so many  
successive oppositions have never, in the warmest season of  
their contest, taken one step to restore the people to a right  
confirmed to them by more than one Act of Parliament, and  
supported by the enjoyment of some hundred years? Are the  
heirs apparent to ministers to be looked upon as the only per-  
sons in the nation who are unacquainted with the rights of  
the people? or the champions of Liberty the only persons un-  
concerned in the defence of it?—The truth is, *they all expect*  
*to be one day Ministers to themselves*, and are sensible that annual  
Parliaments are so much the ancient right of the People, so  
obviously conducive, if not essential, to their security, their  
dignity, and power, that they are afraid any attempt to restore  
them should prove successful; and consequently, that, by  
breaking the people's chains asunder in order to distress the  
Ministers, they should forge others for themselves, when  
they come to succeed them. Whenever there has been any  
attempt to enact or restore triennial Parliaments, it has ever  
been objected that triennial Parliaments would produce *triennial*  
*Ministers*; and they are afraid that annual Parliaments  
should also produce *annual Ministries*.

HINGILLÆ LACHRYMÆ!—But I see no reason  
for these fears; we don't find that, during the long tract of  
time the people enjoyed annual parliaments, the reign of good  
ministers



ministers was shorter than since they have been deprived of that right : and if, during that period, the reign of bad ministers was so, this becomes an accessional reason for their being restored to it.—But, say they, every thing will be so fluctuating under annual Parliaments, that no nation will treat with you, no war can be prosecuted with success : have they then forgot that the treaties of Breigny and Troyes were concluded, and the victories of CRECY and AGINCOURT gained under the auspices of ANNUAL PARLIAMENTS ?

It is thought by many people that the *septennial* act was the severest stab the liberties of the people of England ever received : indeed the circumstances of the nation, at that time of its being enacted, were some justification of it : there was then an actual Rebellion raised against a Prince, who, without flattery (which is seldom bestowed upon dead princes) wanted nothing but to be *adored* by his subjects, but to be *known* to them ; and who, by a peculiar cast of good qualities, seemed formed by nature to reign over a *free people*. But if these circumstances, while they subsisted, were a reason for enacting that law, now they are removed, there can be none for continuing it. I must, indeed, do one set of men the justice to allow that they have shewed themselves of that *honour*, by endeavouring to restore triennial Parliaments : but that attempt, if it had succeeded, would have proved a palliative remedy only, not a cure. Have not triennial Parliaments been already tried, and found ineffectual ? Were not several essential clauses in the act of settlement repealed, the peace of Utrecht confirmed, and the Schism act passed by triennial Parliaments.

It must be allowed that, in all free governments, the oftener the collective body of the people is resorted to, the oftener they will have legal opportunities of reforming those grievances that will, from time to time, unavoidably steal into the legislative, as well as the executive part of every government ; and, while they have *legal* methods of redress, they will never fly to those that are *not* *just*. This would be the great advantage of annual Parliaments ; for, to suppose that the representatives of the people will, at all times, be as vigilant to discover, and as zealous to reform those grievances, or as careful of their conduct, in every other respect, when they are independent of their constituents for seven years, as, when they annually depend upon their approbation, is to suppose that hopes and fears have lost their influence upon the minds of men. On the other side, if it should ever happen that the representatives, encouraged by this independance, should,

should, instead of reforming grievances, encrease their number, and become *themselves* the greatest grievance; the people will, in that case, have no legal remedy, which is in itself contrary to the nature of government; it being ridiculous to imagine that the same law which provides a remedy for every private wrong, should provide none for those of the public; or, that the whole body of the people, for whose safety the law itself was instituted, should ever find themselves in such circumstances as to lose the benefit of it. Yet this must happen, if it be received as a standing maxim of law and justice, that their representatives, when once chosen for any number of years, let their abuse of power be never so glaring, have still a right to sit out their term, and what is worse, to extend it as far as the affairs of the nation, or their own, may require. If this be admitted, it must also be admitted that no term can by law be prescribed to their sitting, because they have still a power by law of extending that term, and consequently of perpetuating themselves: this, however improbable, must, upon a supposition of the legality of the first extension of the original term, be allowed to be equally legal. From hence it appears how dangerous it is to remove the corner stone of government; and that, whenever they have been removed, either through necessity, or convenience, the first opportunity ought to be laid hold of to restore them to the former situation.

There is something so bewitching in power, that, without very compulsive laws, men are not easily brought to resign it. This tenaciousness of power has filled all histories, both antient and modern, with attempts made to extend it beyond the term for which it was originally delegated. Thus the last Roman Decemvirs, though chosen by their country but for a year, prolonged their term by their own act, and retained the power they had usurped, till the people forced it out of their hands, and punished them severely for their usurpation, and their memory stands branded in history with all the infamy it deserves: while the names of *Valerius* and *Horatius*, under whose conduct the people recovered their right of electing annual magistrates, are celebrated by their historians with all the praises that gratitude can yield, or merit claim, monuments more lasting than brass or marble; those no storms can overturn, no flight of time deface; still are their praises read by applauding nations; who look upon those worthy patriots, as the benefactors not of their own country only, but all mankind.

At Venice, in the year 1298. an act passed in the great council, which, till then, was annually chosen by the people,

ple, that all those of which it was that year composed, or who had been members of it for the four last years, should, upon their obtaining twelve voices in the council of forty, be themselves and their posterity for ever after; members of it; and that all the other citizens should be for ever excluded from the administration of public affairs. From this time the people of Venice like all others under the like circumstances, found how dangerous it is to be useless; and that to have no share in the government is to be a prey to those who have.

Many are the expedients gentlemen have been driven to in order to supply the want of annual parliaments, such as the *pension act*, the act for disabling those who have *accepted employments* from sitting in the house, unless they are re-elected, and some others of the like tendency: all which, are no doubt, very well calculated to answer the ends, for which bills are generally brought in, that is, to defame the ministry, if they are not passed, and to distress them, if they are. But, I believe, the people have received no great benefit from any of those expedients. In this I am the more confirmed because the promoters of them are so loud in their complaints of such abuses, as could not possibly be committed if these laws were effectual. Their complaints, therefore, must be looked upon as acknowledgements they are not so; and if those gentlemen persist in applying remedies which they themselves know to be ineffectual, the nation will have reason to complain, in their turn, and to say that they treat them as some physicians treat their patients; that is, that they chuse rather to *prescribe* than to *cure*.

As to the *place bill*, the people have a kind of right to have that go hand in hand with the bill for annual parliaments; since, among other clauses of *NOLUMUS* formerly inserted in the writs of summons, we find the following one, *nolumus autem quod aliquis de retinentia domini nostri regis aliquialiter sit electus*.

The people of Rome, Sparta and Athens were not represented; but appeared in a *collective body* whenever any thing was to be laid before them. This method of taking the *whole body* of the people on every occasion, might not be subject to the great inconveniencies either at Sparta or Athens, by reason of the small extent of their respective territories, though very populous, containing but few inhabitants; but at Rome, whose dominions were so extensive and its citizens so numerous, I think it must have been subject to many, particularly to one of those two; either all the Roman citizens who were not actually engaged in the service of the common-wealth, must have come up from the most distant parts of the world

at every meeting of the people, or the whole power must have devolved upon the inhabitants of the city and neighbourhood of Rome: I have never met with any complaints of either of these inconveniencies in any of their authors, and yet the alternative seems unavoidable. For, which reason, notwithstanding the great deference which is undeniably due to the wisdom of their institutions, I cannot help thinking, that a representative, under proper regulations, answers all the purposes of the peoples voting in a collective body, and is subject to none of the inconveniencies of it. But to effect this, two things seem to be necessary; the first, *that the people be annually represented*, to the end they may have annually an opportunity of confirming or reforming their choice; the second is, that they be *equally represented*, for a people unequally represented will of course be unequally taxed. This is a mischief all modern governments are more or less subject to, because none of them have been so wise as to follow the example of the Romans, in establishing a general register. This, perhaps, may not be practicable, at least not advisable in a trading country; since credit, which is the life of commerce, and subsists by opinion, would be very much impaired, if not destroyed, by certainty; and if every man's circumstances were known, a merchant would no longer have it in his power, by making use of other people's fortunes to raise his own, and grow rich by being thought so.

But, to apply what I have said, in a particular manner to our own affairs, I will appeal even to those gentlemen, who find their advantage in this national misfortune; I mean, "the inequality of the land tax," whether it has not, in a great measure, been the occasion of this immense load of debts, under which we, at present, labour: I think it past dispute, that this inequality has contributed to it more ways than one. In the first place, it has frequently made it necessary to have recourse to other funds, in order to raise those sums, which the land-tax alone, if equally levied, would have annually produced. Secondly, this inequality in levying the land-tax has often put Ministers upon raising money by more equal methods; that is, finding it impracticable to raise the sums required by such means, as all people ought to contribute to in proportion to their possession, they have been obliged to raise them by such, as all must contribute to in proportion to their consumption.—This has obliged them to create new funds, to extend the old, and apply the Sinking Fund, the nation's only hope, to purposes very different from those, to which it was originally appropriated. These, and many more mischiefs would be cured, if the People of England

were annually and equally represented: and if ever we are so happy as to see these promises made by gentlemen, while they are opposing public measures performed when they come to have the conduct of them; and power administered by the same spirit by which it was acquired; the nation then will no doubt have justice done them in these two important points; the obtaining of which would, in my opinion, render our constitution more perfect than any, that has yet appeared either in the ancient or modern world.

POLYBIUS.

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*A Review of the Administration of Affairs, and of the State of Opposition for ten Years past.*

TO THE PRINTER OF THE POLITICAL REGISTER.

S I R,

WHOEVER has made any observations on the manner in which political disputes of the greatest importance to the safety of states have been carried on, cannot fail of observing, that the disputants, eager in their little daily attacks or defences, never look above an inch, either before or behind them, towards the ultimate consequences, or the original source of their dissention; but, like silly physicians, unmindful of the cause, are ever busily employed in curing every new symptom of the distemper, without being awakened from their short-sighted practice by seeing the patient hourly verging towards his grave.

How came the ministry, says one of these, to suffer George Onslow to meddle with the printers? To which trifling question is immediately returned as trifling an answer, and deeper they never get. But those who are able to extend their view to general facts, will easily find such as are more worthy their attention, and which might suggest more significant questions. They will find that there has been, for these eight or nine years, a studied train of insults pointed at all persons in authority, for the obvious purpose of galling, intimidating, and rendering them odious and contemptible to the people: that all these insults, at the time of committing them, were judged, by the most cool and considerate, to be deserving of severe punishment; and yet, that all the attempts which have been made by those in administration to punish such offences, have been afterwards almost as generally condemned, as illegal in their mode and inconvenient in their consequences. They will find that these mismanagements have been constantly imputed,

puted to, the ignorance or folly of the ministers who commenced, or who carried on the several prosecutions, and perhaps was one of the causes of the frequent changes which have been made of them; and yet that the change of men never made any change for the better, in the measures; the same illegal management having been imputed to them all successively, with this single difference, that the last minister was always found more unsuccessful than his predecessor.

It would be an irrational, as well as a harsh supposition, to suppose, that all the experienced statesmen of England, assisted by the advice of the most learned lawyers, had acted, for a course of years, like fools or cowards: nor, were I willing to make such a supposition, would there be found any party of men willing to subscribe to it, as the leaders of each party would be necessarily involved in the general condemnation. We are therefore constrained to believe that their miscarriages were not so much owing to their misconduct, as to the situation of things in which they were called to act. If this should happen to be the case, as I am persuaded it is, it will be in vain to hope for an end to these disturbances, from a change of men, or even from a change of conduct, without some change in our general situation.

To bring about such changes, probably requires more than a mere speculative genius, and therefore not within my department: but as people got into a labyrinth will find no better method of extricating themselves than by recollecting how they came in, I will endeavour to give a few hints with regard to the steps by which our affairs have been brought into this situation; which though confined to the narrow limits of a letter, will be sufficient to serve as a clue to such of your readers as are willing to enter into a more complete investigation of the subject.

There are two great maxims admitted in this country of freedom: the one, that *no man ought to be punished but by the known laws of the land*: the other, that the *salus populi*, the safety of the community, is the *supreme law*: of these two maxims, one regarding the security of the individuals, the other the safety of the whole, the last has ever been, with great justice, entitled to the preference; as common-sense informs us, that where the whole is in danger none of the parts can be safe: and therefore not only in our's, but in every government, free or arbitrary, the guardianship of this supreme law, has been, in a peculiar manner, committed to the supreme executive power of the state; checked, however, more

or less, in free countries, by laws wisely framed for the security of individuals.

From the beginning of the English monarchy this executive power was entrusted with the king, both for the defence of the kingdom against invaders, and for preserving the internal quiet of it: the exercising this power, as occasion should require, by a right known in our law and constitution by the name of prerogative, a right in the beginning very extensive, but which was first limited by the feudal rights of the barons, and in later times much more by the Commons assembled in parliament. Nor, to a certain degree, were those late limitations improper or unnecessary: for the Stuarts, and other princes of the house of Tudor, had often employed that prerogative for foolish and oppressive purposes, particularly that of obtruding their own religious opinions upon the people, contrary to the rights of mankind, and the nature of things. But on the other hand, it is no less true, that the Commons in parliament, having a more anxious care for personal security than for public order, put no bounds to their restrictions of prerogative, and at last reduced the only executive power of the state to a condition which was insignificant as well as harmless.

Thus matters stood at the revolution, when the king was left with the command of a brave and loyal body of troops, without being aware that the laws were so contrived in favour of the seditious, under the notion of securing the liberty of the subject, that he could not employ any of this armed force to protect his courts of justice, his two houses of parliament, or even the gates of his own palace from popular insolence, without a breach of some law of the land.

For about seventy years this evil was neither felt nor understood; and perhaps, to speak more properly, it was during that period no evil. An even balance of power, then existing between the rulers and the rest of the community, created that mutual awe in which consists the essence of order and liberty; and prevented an inquiry into the elementary principles and right of government, which never become the objects of public enquiry till the political machine is fallen of itself into disorder. Upon sudden and accidental rebellions, parliament provided sufficiently for the safety of the whole, by lending to the crown that legal species of dictatorial power which is produced by a temporary suspension of the habeas corpus act: and upon smaller occasions, and where the utility was manifest, the crown exercised of itself some remains of its accustomed powers, such

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as the issuing general warrants, without their illegality being considered either by king or people. The people entertained few jealousies of the crown, which they knew was abundantly circumscribed, and none at all of the House of Commons, by which their liberty lived, moved, and had its being. The extent of its powers by the name of privilege was held as a sacred mystery, which it was high treason against the majesty of the people to pry into: and Mr. Walpole was disqualified, and the honourable Alexander Murray was lodged, during pleasure, in Newgate, without any such exertions of power having been reckoned, either illegal in themselves, or dangerous to the Commons, for whom, and by whom, they had been in fact exercised.

Were it possible to make laws for a free people of such complaisant stuff that they might contract and dilate themselves, as the real affairs of that people should be contracted or dilated, their political system being once happily constituted, might be for ever preserved in the same happy state, without almost a possibility of political dissensions or civil wars. But unluckily it is the nature of things to move, while it is the nature of laws to stand still, and we ought no more to wonder at the troubles arising from their unsuitness, than that a grown man should find himself uneasy and ridiculous in a coat which had been made for him when a boy. The more prosperous any free country is, and the faster it grows, either by commerce or conquest, the more it is subject to these returns of civil dissension, which arise from a deficiency in the powers of government, or, what is the same thing, to a disproportionate increase of wealth and power in the individuals.

The present disturbances had their immediate rise from the successes of the last war, which, while it impoverished the state by an addition of sixty millions to its debt, and dispersed its small military force in guarding new acquisitions of territory, threw immense sums into the pockets of private persons. These men, after being satiated with every species of luxury, which their money laid open to them, soon felt a new appetite arise for rank and dignity; but being mostly of the lowest class with regard to education or connections, they found but one way of gratifying this appetite, which was by purchasing seats in the House of Commons. Many attempts of this sort were accordingly made at the general election in 1761, and since that time, some of which succeeded, and others failed. But those which succeeded, and those which failed, equally served to spread this newly acquired money to a larger circle, and in such a manner as gave those who received



received it along with the money a high idea of their own importance; so that they all began to think themselves entitled to a share in the honours and emoluments of government, which in reality can only belong to a few. Hence arose a general hatred to the few in possession, the true source of which being ridiculous and shameful, could not be suffered to appear in its genuine shape, but was ready to vent itself in a full chorus of lamentations upon any mismanagement of the public affairs, real or pretended.

While a free state preserves its equilibrio, and every thing flows easily in its accustomed channels, the first posts in government are always filled by persons whose hereditary honours and estates give them no sort of prescriptive right to them; and new men, of the greatest talents and accomplishments, are seldom promoted to any offices above those of the middling rank. But, when once confusion, and with it danger and difficulty, make their appearance, there is no height to which men of address and boldness may not aspire, though destitute of birth, fortune, and character. Some of those taking their cue from the encreasing tone of presumption and discontent, stood forth as writers and orators, to revile their rulers, first with more, afterwards with less reserve, feeling by little and little, that those rulers were not so able to punish as the popular party was to support and reward them. From the same motives several ambitious lawyers, and even judges, enlisted themselves under the popular banner, and pointed out to the common people many weak parts in the laws for preventing or punishing seditious practices, which, without their assistance, never would have been known.

Nor were the king's servants altogether wanting in their contributions to this mass of disorder; for actuated either by the fear of clamour and insult, or by the vain hope of popularity, they all in their turns sacrificed the rights of government, and the interest of the public, to the rabble of the city of London, whose nearness and noise made them be considered as representing the whole rabble of England. Want of strength was the real inspirer of those measures, and weakness was the result of them. But of all their palliatives, the most destructive was that of admitting the most violent and foul mouthed of their opposers into places of trust; by which they changed their quality of avowed enemies into the more mischievous one of timid or treacherous friends.

In the course of these preposterous transactions, we have seen every thing relating to public law or government turned, as it were, upside down. The American disclaims the authority of the British legislature, and insists upon the right of taxing himself

himself at his own pleasure. The coal-heaver becomes his own employer, and insists upon the right of regulating his own wages. The outlawed culprit breaks into the court of justice, and regardless of his tip-staves arraigns his judge; who, feeling his own helpless situation, is forced to plead before the criminal, and to exert his eloquence in defence of his own conduct. The livery of London, who by reason of their number, and of their being already represented in parliament, are prohibited by law and common-sense from meeting in a body to deliberate upon any proposition whatever, make their first essay in a remonstrance to the king against both houses of parliament, and this absurd remonstrance is not only received, but received upon the throne, with the same respect as if it had come from the two houses of parliament themselves. The serving an order of the House of Commons to bring a printer before them, is deemed by the printer an assault, and the messenger is committed to prison for it by the magistrates of London; while Mr. sheriff Harley, the late duke of Bedford, and the present lord North are wounded in open day-light in the exercise of their public duty, without such outrages being deemed assaults, or at least such as could bring the offenders to punishment.

Such are the symptoms of a more than ordinary disorder in our political system, and which can only be rectified by extraordinary means. These must be employed either in reducing the situation of things to a conformity with the present laws, that is, by restoring to every order of the commonwealth that naturally poise which, without the help of force, may keep them all firm in their several places; or, if this is thought a task out of human reach, in bringing our laws to a conformity with the real situation of things; by contriving artificial equivalents to supply the deficiency of this natural poise; by placing a proper degree of force in the hands of those who are already vested with authority, or, in other words, by providing an executive power suitable to the present riches and extent of the British empire.

God forbid that quiet should be restored to us by tumultuous or arbitrary means; or that we should ever have occasion to say with Lucan, *Cum Domino pax ista venit.*

I am, Sir,

Your constant Reader,

MARCELLUS.

*Pall-mall,  
April, 13.*

To

To the EDITOR of the POLITICAL REGISTER.

S I R,

**T**HE arguments, used in defence of the late proceedings of the House of Commons would have a considerable weight with me, if I could persuade myself that the present House of Commons were really in that independent state in which the constitution meant to place them. If I could be satisfied that their resolutions were not previously determined in the king's cabinet, that no personal resentment was to be gratified, nor any ministerial purpose to be answered; under pretence of asserting their privileges, I own I should be very unwilling to raise or encourage any question between the strict right of the subject, and that discretionary power, which our representatives have assumed by degrees, and which, until of late years, they have very seldom abused; while the House of Commons form a legal representation of the people, while they preserve their place in the constitution, distinct from the Lords, and independent of the crown, I think to contend with them about the limits of their privileges would be contending with ourselves\*. But the question will be materially altered, if it should appear that, instead of preserving the due balance of the constitution, they have thrown their whole weight into the same scale with the crown, and that their privileges, instead of forming a barrier against the encroachments of the other branches of the legislature, are made subservient to the views of the sovereign, and employed, under the direction of the minister, in the persecution of individuals, and the oppression of the people. In this case, it would be the duty of every honest man to stand strictly to his right;—to question every act of such an House of Commons with jealousy and suspicion, and wherever their pretended privileges trench upon the known laws of the

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\* The necessity of securing the house of Commons against the king's power, so that no interruption might be given either to the attendance of the members in parliament, or to the freedom of the debate, was the foundation of parliamentary privilege; and we may observe, in all the addresses of new appointed speakers to the sovereign, the utmost privilege they demand is liberty of speech and freedom from arrests. The word privilege means no more than immunity, or a safeguard to the party, who possesses it, and can never be construed into an active power of invading the rights of others.

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land, in the minutest instance; to resist them with a determined and scrupulous exactness. To ascertain this fact, we need only consider in what manner parliaments have been managed since his majesty's accession.

He found this country in that state of perfect union and happiness which good government naturally produces, and which a bad one has destroyed. He promised to abolish all distinctions of party; and kept his word by declaring lord Bute his favourite and minister, by proscribing the whole Whig interest of England, and filling every place of trust and profit under his government with professed Tories, notorious Jacobites, and Scotchmen of all denominations. He abolished no distinctions, but those which are essential to the safety of the constitution. King, Lords, and Commons, which should for ever stand clear of each other, were soon melted down into one common mass of power, while equal care was taken to draw a line of separation between the legislature and the people, and more particularly between the representative and constituent body of the Commons. The lower house distinguished themselves by an eager compliance with every measure that could be supposed to gratify the king personally, or to humour the vindictive passions of his royal mother. When Mr. Wilkes was to be punished, they made no scruple about the privileges of parliament; and although it was as well known as any matter of public record and uninterrupted custom could be, "that the members of either house are privileged except in cases of treason, felony, or breach of the peace," they declared without hesitation, "that privilege of parliament did not extend to the case of a seditious libel;" and undoubtedly it would have been the same if Mr. Wilkes had been prosecuted for any other misdemeanor whatsoever. It was upon that occasion that Sir Fletcher Norton, the patron of privilege declared in the house, that if he were a judge in Westminster Hall, he should regard a vote of the House of Commons no more than a resolution of a company of porters.—To shew his politeness, he preserves his stile;—to shew us his morality, he changes his opinion.

The influence of the crown over the resolutions of both houses continues to operate with equal force, though now it assumes a different appearance. The liberty of the press, besides giving a daily personal offence to the princess of Wales, must always be formidable, therefore always odious to such a government as the present. Prosecutions have been attempted without success. The privilege of parliament, which had been so shamefully surrendered to answer one

ministerial purpose, must now be as violently asserted to answer another. The ministry are of a sudden grown wonderfully careful of privileges, which their predecessors were as ready to invade. The known laws of the land, the rights of the subject, the sanctity of charters, and the reverence due to our magistrates, must all give way, without question or resistance, to a privilege of which no man knows either the origin or the extent. The house of Commons judge of their own privileges without appeal:—they may take offence at the most innocent action, and imprison the person who offends them, during their arbitrary will and pleasure. The party has no remedy;—he cannot appeal from their jurisdiction; and if he questions the privileges which he is supposed to have violated, it becomes an aggravation of his offence. Surely, Sir, this doctrine is not to be found in Magna Charta. If it be admitted without limitation, I affirm that there is neither law nor liberty in this kingdom. We are the slaves of the House of Commons, through them, we are the slaves of the king and his ministers.

The mode, in which the House have proceeded against the city magistrates, can neither be reconciled to natural justice, nor even to the common forms of decency.—They begin with shutting their doors against all *strangers*, the usual name, by which they describe their constituents. Some of their debates appear in the public papers. The offence, if any, is certainly not a new one. We have the debates as regularly preserved as the journals of parliament †; nor can there be any honest reason for concealing them. Mr. Onslow, however, thinks it necessary to persecute the press, and the House of Commons is mean enough to take part in his caprices. Lord North, who had so lately rewarded the Reverend Mr. Scot with the best living in the king's gift for heaping invectives equally dull and virulent upon some of the most respectable characters in the kingdom, is now shameless enough to support a motion against the liberty of the press, with the whole influence of the crown. That their practice might be every way conformable with their principles, the house proceeded to advise the crown to publish the proclamation universally acknowledged to be illegal. Mr. Moreton publicly protested against it before it was issued; and Lord Mansfield, though not scrupulous to an extreme, speaks of

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† Grey's Collection of Debates, in ten volumes, was published under the direction of the late Arthur Onslow, Esq;.

it with horror. It is remarkable enough that the very men, who advised the proclamation, and who hear it arraigned every day both within doors and without, are not daring enough to utter one word in its defence, nor have they ventured to take the least notice of Mr. Wilkes for discharging the persons apprehended under it.

The pretended trial of the Lord Mayor and Mr. Oliver, resembled the dark business of a Spanish inquisition, rather than the fair proceedings of an English court of judicature. These gentlemen, as magistrates, had nothing to regard but the obligation of their oaths and the execution of the laws. If they were convinced that the Speaker's warrant was not a legal authority to the messenger, it necessarily followed that, when he was charged upon oath with a breach of the peace, they must hold him to bail. They had no option. Yet how have they been treated? Their judges had been partially summoned, by treasury mandates, pressing attendance, and demanding a vote of condemnation. They were tried and condemned at midnight, without being heard by themselves or their counsel, on the only point, on which their justification could possibly depend.—In short, Sir, a question, strictly of jurisdiction, was referred to numbers and carried like a common ministerial measure. The next step was to force the Lord Mayor's clerk, by the terror of a prison, to erase the record of a judicial proceeding, held regularly before the chief magistrate of the city. Lord North himself made the motion, and declared that the constitution could not be safe, until it was carried into effect. They then resolved that all prosecutions for the assault (which, though charged upon oath, they call a pretended one) should be stopped. I wish that grave and sober men would consider, independently of the other questions before us, how far this particular precedent may extend. If the House of Commons may interpose in a single instance, between the subject, who complains, and the laws, which ought to protect, I see no reason why they may not, at any time, by their vote, stop the whole course of justice through the kingdom. Besides the injury done to the subject, their granting a *Noli Prosequi* is in effect an encroachment upon the royal prerogative.

Many circumstances of insult have been mixed with these measures of violence.—Their pretended lenity to the Lord Mayor, which he nobly refused to accept of, amounted only to an offer of the garrets of the house for the place of his confinement instead of the Tower; and though it be of less moment, it is still worth observing, that the indignity offered to the city is aggravated by the time expressly chosen for imprisoning

their chief magistrate. Not content with interrupting all city business, they fixed upon Easter, because it is the chief city festival, and found a contemptible gratification in putting a stop to the amusements usual at this season, and depriving a public charity of the customary collections, which they knew must be reduced to nothing by the absence of the Lord Mayor.

Nothing remained but to keep up a terror and alarm thro' the kingdom by appointing committees of enquiry. This double Star Chamber was moved for long after midnight, and lists partially sent round by the messenger of the treasury.—Where will these arbitrary, these iniquitous proceedings end? The ministry, I doubt not, have a plan prepared, but it is such a one, as they neither dare openly avow, nor uniformly adhere to. One day they appoint Committees of inquisition to sit *de die in diem*!—the next thing we hear is that the committees are adjourned, and the members of them dispersed into the country. After advising the king, very unnecessarily, to go to parliament, they come to him while his equipage is in waiting, contradict their own advice, and endeavour to stagger his resolution, at the moment when he has most occasion for it. They alone are answerable for all the indignities heaped upon the king's person, since they could not but foresee, that the people would take the earliest opportunity of resenting the imprisonment of their magistrates.

When the princess of Wales was named in the house of Commons, where was that zeal, which some people boast of, for their royal master? The mother of their sovereign was branded by name, as the authoress of all our calamities, and the assertion passed without censure or contradiction.

Sir, I most truly lament the condition to which we are reduced; and the more so, because there is but one remedy for it, and that remedy has been repeatedly refused.—A dissolution of the parliament would restore tranquility to the people, and to the king the affections of his subjects: the present house of Commons have nothing to expect but contempt, detestation, and resistance. This violent state of things cannot long continue. Either the laws and constitution must be preserved by a dreadful appeal to the sword; or (what probably is intended by the present system of measures) the people will grow weary of their condition, and surrender every thing into the king's hands, rather than submit to be trampled upon any longer by five hundred of their equals.

A W H I G.  
To

To the P R I N T E R, &c.

S I R,

**T**O write for profit without taxing the press;—to write for fame and to be unknown;—to support the intrigues of faction and to be disowned, as a dangerous auxiliary, by every party in the kingdom, are contradictions, which the minister must reconcile, before I forfeit my credit with the public. I may quit the service, but it would be absurd to suspect me of desertion. The reputation of these papers is an honourable pledge for my attachment to the people. To sacrifice a respected character, and to renounce the esteem of society, requires more than Mr. Wedderburne's resolution; and though, in him, it was rather a profession than a desertion of his principles, [I speak tenderly of this gentleman, for when treachery is in question, I think we should make allowances for a Scotchman,] yet we have seen him in the house of Commons overwhelmed with confusion, and almost bereft of his faculties.—But in truth, Sir, I have left no room for an accommodation with the piety of St. James's. My offences are not to be redeemed by recantation or repentance. On one side, our warmest Patriots would disclaim me as a burthen to their honest ambition. On the other, the vilest prostitution; if Junius could descend to it, would lose its natural merit and influence in the cabinet, and treachery be no longer a recommendation to the royal favour.

The persons, who, till within these few years, have been most distinguished by their zeal for high church and prerogative, are now, it seems, the great assertors of the privileges of the house of Commons. This sudden alteration of their sentiments or language carries with it a suspicious appearance. When I hear the undefined privileges of the popular branch of the legislature exalted by Tories and Jacobites, at the expence of those strict rights, which are known to the subject and limited by the laws, I cannot but suspect that some mischievous scheme is in agitation, to destroy both law and privilege, by opposing them to each other. They who have uniformly denied the whole power of the whole legislature to alter the descent of the crown, and whose ancestors, in rebellion against his majesty's family, have defended that doctrine at the hazard of their lives, now tell us that privilege of parliament is the only rule of right, and the chief security of the public liberty.—I fear, Sir, that, while forms remain, there has been some material change in the substance of our constitution.



tution. The opinions of these men were too absurd to be so easily renounced. Liberal minds are open to conviction.—Liberal doctrines are capable of improvement.—There are profelytes from atheism, but none from superstition.—If their present professions were sincere, I think they could not but be highly offended at seeing a question concerning parliamentary privilege, unnecessarily started at a season so unfavourable to the house of Commons, and by so very mean and insignificant a person as the minor Onslow. They know that the present house of Commons, having commenced hostilities with the people, and degraded the authority of the laws, by their own example, were likely enough to be resisted, *per fas et nefas*. If they were really friends to privilege, they would have thought the question of right too dangerous to be hazarded at this season, and, without the formality of a convention, would have left it undecided.

I have been silent hitherto, though not from that shameful indifference about the interests of society, which too many of us profess, and call moderation. I confess, Sir, that I felt the prejudices of my education, in favour of a house of Commons, still hanging about me. I thought that a question, between law and privilege, could never be brought to a formal decision, without inconvenience to the public service, or a manifest diminution of legal liberty; and ought therefore to be carefully avoided: and when I saw that the violence of the house of Commons had carried them too far to retreat, I determined not to deliver a hasty opinion on a matter of so much delicacy and importance.

The state of things is much altered in this country, since it was necessary to protect our representatives against the direct power of the crown. We have nothing to apprehend from prerogative, but every thing from undue influence. Formerly it was the interest of the people, that the privileges of parliament should be left unlimited and undefined. At present it is not only their interest, but I hold it to be essentially necessary to the preservation of the constitution, that the privileges of parliament should be strictly ascertained, and be confined within the narrowest bounds the nature of their institution will admit of. Upon the same principle, on which I would have resisted prerogative in the last century, I now resist privilege. It is indifferent to me, whether the crown, by its own immediate act, imposes new, and dispenses with old laws, or whether the same arbitrary power produces the same effects through the medium of the house of Commons. We trusted our representatives with privileges for their own defence and ours. We cannot hinder their desertion, but  
we

we can prevent their carrying over their arms to the service of the enemy.—It will be said, that I begin with endeavouring to reduce the argument concerning privilege to a mere question of convenience;—that I deny at one moment what I would allow at another; and that to resist the power of a prostituted house of Commons may establish a precedent injurious to all future parliaments.—To this I answer generally, that human affairs are in no instance governed by strict positive right. If change of circumstances were to have no weight in directing our conduct and opinions, the mutual intercourse of mankind would be nothing more than a contention between positive and equitable right. Society would be a state of war, and law itself would be injustice. On this general ground, it is highly reasonable, that the degree of our submission to privileges, which have never been defined by any positive law, should be considered as a question of convenience, and proportioned to the confidence we repose in the integrity of our representatives. As to the injury we may do to any future and more respectable house of Commons, I own I am not now sanguine enough to expect a more plentiful harvest of parliamentary virtue in one year than another. Our political climate is severely altered; and without dwelling upon the depravity of modern times, I think no reasonable man will expect that, as human nature is constituted, the enormous influence of the Crown should cease to prevail over the virtue of individuals. The mischief lies too deep to be cured by any remedy, less than some great convulsion, which may either carry back the constitution to its original principles, or utterly destroy it. I do not doubt, that in the first session after the next election, some popular measures may be adopted. The present house of Commons have injured themselves by a too early and public profession of their principles; and if a strain of prostitution, which had no example, were within the reach of emulation, it might be imprudent to hazard the experiment too soon. But after all, Sir, it is very immaterial whether a house of Commons shall preserve their virtue, for a week, a month, or a year. The influence which makes a septennial parliament dependent upon the pleasure of the crown, has a permanent operation, and cannot fail of success.—My premises, I know, will be denied in argument, but every man's conscience tells him they are true. It remains then to be considered, whether it be for the interest of the people that privilege of Parliament, (which, in respect to the purposes, for which it has hitherto been acquiesced under, is merely nominal) should be contracted within some certain limits, or whether the subject shall be left  
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at the mercy of a power, arbitrary under the direction of the Crown.

I do not mean to decline the question of right. On the contrary, Sir, I join issue with the advocates for privilege, and affirm, that, "excepting the cases, wherein the house of Commons are a court of judicature, (to which, from the nature of their office, a coercive power must belong) and excepting such contempts as immediately interrupt their proceedings, they have no legal authority to imprison any man for any supposed violation of privilege whatsoever."—It is not pretended that privilege, as now claimed, has ever been defined or confirmed by statute; neither can it be said, with any colour of truth, to be a part of the common law of England, which had grown into prescription, long before we knew any thing of the existence of a house of Commons. As for the law of parliament it is only another name for the privilege in question; and since the power of creating new privileges has been formally renounced by both houses,—since there is no code, in which we can study the law of parliament, we have but one way left to make ourselves acquainted with it;—that is, to compare the nature of the institution of a house of Commons with the facts upon record. To establish a claim of privilege in either house, and to distinguish original right from an usurpation, it must appear that it is indispensibly necessary for the performance of the duty they are employed in, and also that it has been uniformly allowed. From the first part of this description it follows clearly, that whatever privilege does or might belong to the present house of Commons, did equally belong to the first assembly of their predecessors, was as completely vested in them, and might have been exercised in the same extent. From the second we must infer that privileges, which for several centuries, were not only never allowed, but never even claimed by the house of Commons, must be founded upon usurpation. The constitutional duties of a house of Commons are not very complicated, nor mysterious. They are to propose or assent to wholesome laws for the benefit of the nation. They are to grant the necessary aids to the king;—petition for the redress of grievances, and prosecute treason or high crimes against the state. If unlimited privilege be necessary to the performance of these duties, we have reason to conclude, that for many centuries after the institution of the house of Commons they were never performed. I am not bound to prove a negative, but I appeal to the English history when I affirm that, with the exceptions already stated, (which yet I might safely relinquish)

for

there is no precedent, from the year 1265 to the death of Queen Elizabeth, of the House of Commons having imprisoned any man (not a Member of their House) for contempt or breach of privilege. In the most flagrant cases, and when their acknowledged privileges were most grossly violated, the *poor Commons*, as they then stiled themselves, never took the power of punishment into their own hands. They either sought redress by petition to the king, or, what is more remarkable, applied for justice to the house of Lords: and when satisfaction was denied them or delayed, their only remedy was to refuse proceeding upon the king's business. So little conception had our ancestors of the monstrous doctrines now maintained concerning privilege, that in the reign of Elizabeth, even liberty of speech, the vital principle of a deliberative assembly, was restrained, by the queen's authority to a simple *aye* or *no*, and this restriction, though imposed upon three successive parliaments\*, was never once disputed by the house of Commons!

I know there are many precedents of arbitrary commitments for contempts; but, besides that, they are of too modern a date to warrant a presumption that such a power was originally vested in the house of Commons.—*Fact* alone does not constitute *right*. If it does, general warrants were lawful.—An ordinance of the two houses has a force equal to law; and the criminal jurisdiction assumed by the Commons, in 1621, in the case of Edward Lloyd is a good precedent, to warrant the like proceedings against any man who shall unduly mention the folly of a king, or the ambition of a princess. The truth is, Sir, that the greatest and most exceptionable part of the privileges now contended for, were introduced and asserted by a house of Commons which abolished both monarchy and peerage, and whose proceedings, although they ended in one glorious act of substantial justice, could no way be reconciled to the forms of the constitution. Their successors profited by the example, and confirmed their power by making a moderate or popular use of it. Thus it grew by degrees, from a notorious innovation at one period, to be tacitly admitted as the privilege of parliament at another.

If however it could be proved, from considerations of necessity or convenience, that an unlimited power of commitment ought to be intrusted to the House of Commons, and that *in fact* they have exercised it without opposition, still in contemplation of law, the presumption is strongly against

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\* In the years 1593—1597—and 1601.

them. It is a leading maxim of the laws of England, (and, without it, all laws are nugatory) that there is no right without a remedy, nor any legal power without a legal course to carry it into effect. Let the power now in question, be tried by this rule.—The speaker issues his warrant of attachment. The party attached either resists force with force, or appeals to a magistrate, who declares the warrant illegal, and discharges the prisoner. Does the law provide no legal means for enforcing a legal warrant? Is there no regular proceeding pointed out in our law-books to assert and vindicate the authority of so high a court as the house of Commons? The question is answered directly by the fact. Their unlawful commands are resisted, and they have no remedy. The imprisonment of their own members is revenge indeed, but it is no assertion of the privilege they contend for. Their whole proceeding stops, and there they stand, ashamed to retreat, and unable to advance. Sir, these ignorant men should be informed, that the execution of the laws of England is not left in this uncertain, defenceless condition. If the process of the courts of Westminster-hall be resisted, they have a direct course, sufficient to enforce submission. The court of king's bench commands the sheriff to raise the *posse comitatus*. The courts of chancery and exchequer issue a *writ of rebellion*, which must also be supported, if necessary by the power of the county.—To whom will our honest representatives direct *their* writ of rebellion? The guards, I doubt not, are willing enough to be employed, but they know nothing of the doctrine of writs, and may think it necessary to wait for a letter from lord Barrington.

It may now be objected to me, that my arguments prove too much; for that certainly there may be instances of contempt and insult to the house of Commons which do not fall within my own exceptions, yet, in regard to the dignity of the House, ought not to pass unpunished. Be it so.—The Courts of Criminal Jurisdiction are open to prosecutions, which the attorney-general may commence by information or indictment. A libel tending to asperse or vilify the house of commons, or any of their members, may be as severely punished in the court of king's bench, as a libel upon the king. Mr. De Grey thought so, when he drew up the information upon my letter to his majesty, or he had no meaning in charging it to be a scandalous libel upon the house of Commons. In my opinion, they would consult their real dignity much better, by appealing to the laws when they are offended, than by violating the first principles of natural justice, which forbids us to be judges, when we are parties to the cause.

I do not mean to pursue them through the remainder of their proceedings. In their first resolution, it is possible they might have been deceived by ill-considered precedents. For the rest, there is no colour of palliation or excuse. They have advised the king to resume a power of dispensing with the laws by royal proclamation; and kings we see are ready enough to follow such advice.—By mere violence, and without the shadow of right, they have expunged the record of a judicial proceeding.—Nothing remained, but to attribute to their own vote a power of stopping the whole distribution of criminal and civil justice.

The public virtues of the chief magistrate have long since ceased to be in question. But it is said that he has private good qualities, and I myself have been ready to acknowledge them: They are now brought to the test. If he loves his people, he will dissolve a parliament which they can never confide in or respect.—If he has any regard for his own honour, he will disdain to be any longer connected with such abandoned prostitution. But if it were conceivable that a king of this country had lost all sense of personal honour, and all concern for the welfare of his subjects, I confess, Sir, I should be contented to renounce the forms of the constitution once more, if there were no other way to obtain substantial justice for the people.

JUN I U S.

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*Extract from Alexander Scott's Legacy to his Country;*

*A scarce Book; Printed A. D. 1689. p. 28.*

“WE are perhaps effectually freed from the tyrannical Stuarts, (1689, the reader will please to remember, was the next year after the Revolution) and from Popery and Slavery: But methinks I see another evil rushing in upon us, which, if it prevails to a great degree, and posterity should be at a loss how to deal with it, may reduce the nation to a state of more helpless distress than that from which we hope in God we are just delivered: If the dangerous mode of government lately adopted, of closeting, pensioning, and placing the Members of the House of Commons, should be carried to all the lengths which may be imagined, posterity may see some hundreds of placemen sitting in the House, besides a multitude of secret pensioners and expectants, who having a prospect of indemnifying themselves, may be ready to humour a corrupt Court in loading the people with taxes; in voting a numerous standing army; in retrenching liberty,

particularly that of the press; in multiplying needless exorbitant places; in demolishing the great barrier against tyranny, trial by juries; in building kingly prerogative and parliamentary privilege on the ruins of Magna Charta and the constitution; and establishing a tyranny the more formidable, as it will have the appearance of regular and constitutional government, by King, Lords, and Commons, and as opposition to it will be called rebellion against lawful authority. In those dismal times the will of the Court will be the law of the Houses, the known sense of the people will be disregarded, and responsibility to constituents a matter of ridicule.

"I leave these papers to be published after my decease, that posterity may not be unprepared for this tremendous event, which will effectually and irrevocably rivet the chains of servitude on the people of Britain, unless they take courage, lay aside party views, and act unanimously as follows:

"Whenever the people shall find themselves in the situation here described, let the Lord-Mayor, Aldermen, and Common-Council, Livery, the Merchants, the incorporated companies, and the other inhabitants of the great, the rich, the free metropolis, put forth a declaration, that they see the national liberty to be, by means of parliamentary corruption, in imminent danger, and that they hold it absolutely necessary that parliaments be made (as originally) annual, with exclusion of two-thirds, by rotation, every parliament; that the inconsiderable boroughs be deprived of the privilege arbitrarily given them by Kings and Queens of sending members (to the number of sixty additional in one reign;) and that the Metropolis, the great counties, and the rich cities and towns, have such an addition of representatives, as shall keep up the present number of the House of Commons upon the whole; and that no known placeman, or pensioner, or officer in the Navy or Army, have a seat in the House, with heavy penalty in case of transgression, and reward to informers.

"Every man of common sense will see that these few regulations will at any time restore efficiency to the constitution, because they will render bribery on the part of the court impossible, and then the Members will have no interest, but that of their country, to pursue.

"The consequence of the city's declaration will be, that the county of Middlesex, and all the counties, and all the cities and great towns, will publish declarations to the same effect. Let all the inhabitants of the capital, or if possible of the Island, beset the Houses of Parliament, and insist on the passing of such acts, as they shall see necessary for the public

public safety. If twenty thousand lives should (which God forbid!) be sacrificed in one day, in endeavouring to obtain the restoration of purity of parliament, they will, to gain so important a point, be well bestowed. For (let posterity hear and tremble) a corrupt House of Commons is the greatest evil that ever can arise in England; it is the evil, which unredressed, must bring a total extinction of liberty. For England can never be enslaved but by a parliament; and without interposition of the people, will, under a corrupt parliament, most certainly lose her liberties.

“ If the King, Lords, and Commons of those times (if ever such times should come) do presume to refuse, when required by the whole people; to grant those securities of liberty, which if they were the true fathers of the people, they ought spontaneously to hold out to them without staying to be asked; if the government of those times should presume, I say, to refuse the demand of the whole people, this will be *ipso facto* declaring themselves the determined enemies of the people, to whom they owe their authority, and it will then be lawful and necessary for the people to break all measures with them, and to treat them as all wise and brave nations have treated the declared enemies of their liberties.

“ Let no dastardly spirit check the genius of England, when rousing in vindication of liberty, by crying out, the Army, the Army! An army of Englishmen will hardly be brought to fight against the liberties of Englishmen. If they be so mercenary as to shew themselves disposed to murder their countrymen for hire, let the people outbid the government. Surely the purse of the former is deeper than that of the latter. Let the people assure the soldiery, that taking the side of liberty, they shall have their own liberty improved from slavery for life, to dismissal with continued pay for life, or from the condition of Soldiers, to that of Militiamen. Mischief has on such occasions been prevented by civilly besieging the commanders of the Army in their houses. Officers will always be gentlemen of education. Such persons may generally be ashamed into tenderness for their country. The more mercenary may be better provided for by the people, than the Court can afford. Some may be spirited away. Many will dread the resentment of the people; for officers cannot be always guarded by their men. An army without commanders is a flock of sheep without a shepherd.

“ But the matter is not likely ever to come to this extremity, unless Englishmen lose their national character. The Members of both Houses will hardly be so desperate as



to oppose the undoubted sense of the nation properly declared and enforced. They will dread assassination in the country where the soldiery will not be able to save them. They will consider the whole people as an over-match for six or eight hundred, and that, without doing them any violence within the law, the many must have it in their power to make the lives of the few a burthen to them.

“These hints I leave for the wisdom and bravery of posterity to work upon. The sooner the envenomed weed of parliamentary corruption is attacked, the more easily it will be eradicated. O my countrymen! Resolve before it be too late to destroy parliamentary corruption, else it will destroy you.”

### A CASE for COUNCIL.

#### *Law against Privilege.*

**M**R. Law hath, for time immemorial, been in possession of a freehold estate, to which are annexed many rights and immunities, and continued to hold the same uncontested and unmolested, till a few days ago, when Mr. Privilege, without serving him or his tenants with any ejectment or legal proceeding, entered upon the premises by force and violence, turned out him and his tenants, and keeps possession of the same, in open defiance of the said Mr. Law, who is the only rightful owner thereof.

**Question.** How, in what manner, and in what Court of Justice, can Mr. Law proceed against Mr. Privilege, to recover his said estate, as Mr. Privilege hath openly declared, he is above all Courts of Judicature, and will keep possession of the same by force of arms, and be both Judge and Jury in his own cause?

#### *State of POLITICKS with France and Spain.*

**T**HE affair of Falkland's Island is far from being settled, notwithstanding what has been given out. On the contrary, the probability that it will end in a war, becomes every day stronger. Potter has been sent again to Madrid, and he is expected back in about ten days. The dispatches he brings, may possibly determine something. But those who know the Spanish court very well, say, Their answers will be all shuffling, and evasive; and their demands insolent. The present state of the negotiation is thus;—France has demanded

demanded that we should disarm. Our answer to France is, that Spain, being the aggressor, must disarm first. Spain refuses to disarm, until a demand, which she has made, has been complied with. Her demand is, the absolute cession of Falkland's Island. Nothing less will satisfy; and she grounds this extraordinary demand upon a promise given on our part in the late negotiation, that if she made a temporary surrender of the island to save the king of England's honour, it should be given back again to save the king of Spain's honour. Whatever art might have been made use of, to procure the late futile and nugatory declaration from Spain, for the sake of preserving in power and lucrative employments a few months longer, the king's new favourites and ministers, viz. Jenkinson, Elliot, and Dyson; yet they dare not comply with this demand. In order to feel the pulse of the nation, they employed pensioner Johnson to write away the importance of the island. The base design was too flimsy not to be immediately discovered; and by the generous English it was treated with abhorrence;—an abhorrence which will equally pursue the Tory writer of the *Memoirs of Great Britain*; who has abused the City of London with a rancour, which could proceed from no other heart, but that of a Scot. Notwithstanding every studied affront upon the English from our northern *false* friends, and every trick of the Court, and the Court writers, to recommend the Scots, yet it may be safely said, *They dare not give up Falkland's Island*: Nor, in their hands, can the dispute end without a war. The King of Spain knows their weakness, and is determined to take advantage of it. He knows the confusion which reigns in our councils; the contrariety of opinions, as numerous as the tongues at Babel, which prevail among our ministers; the defenceless state of the kingdom; the rotten condition of the navy; and the general dislike of the people to a set of ministers, or rather plunderers, whom they both detest and despise.

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ODE to Mr. Alderman OLIVER. *By a Lady.*

NO more to join in festive dance,  
Content and jocund mirth advance  
On Britain's smiling plains:  
No more to hail the coming spring,  
With carols blythe the vallies ring,  
From all her nymphs and swains.

The

The graces and the loves are fled;  
 And sudden horror reigns instead,  
 And damps the muse's fires :  
 Yet still, in plaintive notes, and slow,  
 Accorded to a nation's woe,  
 I hear their trembling lyres.

Oppression lifts her iron wand,  
 And waves it o'er an injur'd land,  
 Triumphant in her might :  
 Wake ! Britain, wake ! at Freedom's call,  
 Ere yet thy drooping laurels fall,  
 By foul corruption's blight.

In time awake ! O let not here  
 Dishonour'd freedom drop a tear,  
 In Albion's long-lov'd clime :  
 Albion whom haughty Spain has fear'd,  
 And France's silken sons rever'd,  
 Through all the walks of time.

Why was thy sword with vict'ry crown'd ?  
 Why press'd thy foes the blood-stain'd ground ?  
 What power thy legions bless'd ?  
 Let *Agincourt* and *Creffy* own,  
 Whence rose the trophies of renown  
 That deck'd Britannia's crest.

And why, to emulate their praise,  
 Her glories in meridian blaze  
 Burst o'er *Germania's* plain ?  
 Why young and brave, yet great and good,  
 Did Wolfe, exulting, pour his blood,  
 Ah ! too untimely slain.

Sweet Liberty, in all her charms,  
 Refulgent, glittered on their arms,  
 And fir'd each warrior's soul :  
 To Gallic power untaught to bow,  
 Sheav'reath'd each dying hero's brow,  
 That nobly scorn'd controul.

*England !* thy glory rose in vain—  
 Whence do the slavish sons of Spain  
 Smile at thy baffled right ?—  
 They saw thy sinking spirits fall ;—  
 Saw courtiers thy bold sons appall ;  
 And triumph'd at the fight.

Yet patriot names again shall rise,  
On Fame's bright columns to the skies,  
With every virtue join'd !  
Friendship's strict faith, untainted truth,  
And all the gen'rous warmth of youth,  
To fire the free-born mind.

Each heart-felt sorrow to beguile,  
Benevolence, with April smile,  
Gilding woe's dewy tears ;  
And Fortitude, with arm of steel,  
To vindicate the public weal,  
And chase a nation's fears.

Britain ! for thee that arm was rear'd,  
When dauntless OLIVER appear'd,  
With native virtue warm :  
Avenge his wrongs !—Avenge thy own !  
That Freedom, on her sea-girt throne,  
May brave th'impending storm.

*Staffordshire.*

C A M I L L A.

*The CONSTITUTIONAL LITANY, for 1771.*

FROM M——d and his interrogatories,  
And from an obstinate *thing* who glories  
And confides in Jacobites and Tories,  
*Libera nos, libera nos, libera nos Domine.*

From a premier, who cannot lead or drive,  
Jemmy Twitcher, the greatest knave alive,  
From informers and —— No. 45.  
*Libera nos, &c.*

From cocking George, at whose name all may guess,  
Who lately propos'd a restraint on the press,  
And from a licencer, our ruin——no less,  
*Libera nos, &c.*

From the paw of a modern Jefferies,  
And from Sir Bullface and his double fees,  
And from all such wicked rogues as these,  
*Libera nos, &c.*

From pardoning of murderers and thieves,  
From a damn'd liar whom no man believes,  
And from a hypocrite dress'd in lawn sleeves,  
*Libera nos, &c.*

From Maclaughlin, and all such bloody work,  
 The tender mercies of Balf and Macquirk,  
 And from a stock-jobbing judge, like a Turk,  
*Libera nos, &c.*

From messengers, imprisonments, and fines,  
 The C——n-house junto, which undermines,  
 England's constitution, which daily pines,  
*Libera nos, &c.*

From a state of existence without hope,  
 From B——e, the Pretender, and the Pope,  
 And from a foe with whom we cannot cope,  
*Libera nos, &c.*

From the bar of the political club,  
 From the old defaulter, and his young cub,  
 And from each notorious dignify'd scrub,  
*Libera nos, &c.*

From commitments, and illegal elections,  
 The M——ry, and all their connections,  
 And from court tools of all complexions,  
*Libera nos, &c.*

From altering records, and packing juries,  
 From an evil, for which there no cure is,  
 Deriv'd from a fountain which impure is,  
*Libera nos, &c.*

From the first cause of Britannia's ills,  
 And the third regiment's practice, which kills  
 Folks in St. George's Fields, with Scotch pills,  
*Libera nos, &c.*

From press-gangs, kidnappers, and India crimps,  
 From bailiffs, bullies, cock-bawds, and pimps,  
 And from the Devil, and all his imps,  
*Libera nos, &c.*

From a long purse without any pence,  
 A Proclamation devoid of sense,  
 And from liberty in the future tense,  
*Libera nos, &c.*

From public and private ill advisers,  
 From forefallers and monopolizers,  
 And from all underselling advertisers,  
*Libera nos, &c.*

From a political parson's oration,  
 Which misguides the people's adoration,  
 From God, to the tyrants of the nation,  
*Libera nos, &c.*

From

From the usurpation of a harlot,  
 And from each Right Hon. varlet  
 At c—t, whether dressed in black or scarlet,  
*Libera nos, &c.*

From oppression, which always borders,  
 And leads to anarchy and disorders,  
 And from insolence, like the R——'s,  
*Libera nos, &c.*

From ev'ry encroachment on the city,  
 From the power of the open committee,  
 And from B——n and his banditti,  
*Libera nos, &c.*

From the vote of a venal Majority,  
 Who now have the superiority  
 Over our good friends in the Minority,  
*Libera nos, &c.*

From the loyalty of court addressers,  
 And from an apostate who confesses,  
 Like Sawney W——ne, his distresses,  
*Libera nos, &c.*

From a critical Spanish convention,  
 From the bias of a place or pension,  
 On the voice where we need not mention,  
*Libera nos, &c.*

From all High Commission Star Chamber courts,  
 A new edition of the Book of Sports,  
 And from standing armies, towers, and forts,  
*Libera nos, &c.*

From passive obedience in any light,  
 And non-resistance when we should fight  
 Against th' invaders of each common right,  
*Libera nos, &c.*

From a long life of servile dependance,  
 And from a tedious levee attendance  
 On rich knaves or fools, whom, pray God send hence.  
*Libera nos, &c.*

From the present p——t's duration,  
 And from the deaf ear of high station,  
 So long turn'd to the cries † of the nation,  
*Libera nos, &c.*

THOMAS STERNHOLD.

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† A new p——t.

## POLITICAL INTELLIGENCE.

*A circumstantial Account of what passed on Thursday the 4th of April, when the Lord Mayor and Mr. Alderman Oliver were brought by Habeas Corpus before the judges.*

**T**HURSDAY afternoon, by the advice of Mr. Serjeant Glynn, the committee of the common council directed their solicitor to apply for writs of Habeas Corpus for the Lord Mayor and Mr. Alderman Oliver. The writ for Mr. Oliver was with peculiar propriety applied for to lord Mansfield; the writ for the lord mayor was applied for to lord chief justice De Grey. They did not dare to refuse the writs. Accordingly the lord mayor and alderman were on Friday conveyed by Major Collins to Serjeant's Inn; but the judges not being there, they were carried to lord chief justice De Grey's house in Lincoln's-inn Fields. The committee of the common council attended with serjeant Glynn and counsellor John Lee. After the warrant of commitment, and an affidavit of Mr. Robert Holder, had been read by Mr. Roberts the city solicitor; Mr. Glynn proceeded to urge reasons why the lord mayor should be released from his imprisonment: his chief reasons were, that the warrant on which the lord mayor was committed was not a legal authority to detain him, because it alledged an act as a particular breach of privilege, which he proved not to be a breach of privilege, but merely the discharge of duty; which act if the lord mayor had not done, he would have been guilty of a breach of his oath and a violation of the laws. Mr. Glynn likewise observed that where different jurisdictions clashed, yet a magistrate, acting in his office had never been adjudged guilty of a contempt by any other; even in cases where a superior jurisdiction had set aside and reversed the act. He said, Magistrates in England did not act with a rope about their necks; but even if they were mistaken in their opinions, could not be punished as criminals, unless by some overt-acts they manifested a corrupt and criminal motive of their actions. He said, the commitment of the messenger was for a breach of the peace, and that privilege of parliament would not prevent the speaker himself from being committed for a breach of the peace. He said, Sir Fletcher Norton pretended to no power to commit but as speaker; and that power he did not claim as belonging to his office, but merely as the instrument of the house; that the house by their resolution had authorized only the serjeant and deputy-serjeant to apprehend; and that the warrant

warrant was directed only to the serjeant and deputy-serjeant, consequently could convey no authority to Witham the messenger : that therefore Witham had not even the authority of the house of commons for apprehending Miller. He said, though the judges could not tell perhaps what were the privileges of the house of commons, they were bound to say what was not their privilege ; and that lord chief justice Holt, in the case of the Aylesbury men, had declared, that if a man was committed by the commons, on the charge of a contempt ; yet such person ought to be discharged, unless it appeared to be a *contempt according to law*.

He said, courts of justice often decided concerning the privilege of parliament, as had indeed been very lately done by lord Camden in the common pleas. On the whole he submitted to his lordship that the lord mayor ought to be released from his unjust and unlawful imprisonment—because the house of commons have no authority to punish magistrates acting in their office according to law ; because the house had no lawful authority to arrest Miller ; because the laws ought to obtain before a resolution of one branch of the legislature ; because a breach of the peace is not to be tolerated for fear of a pretended breach of privilege ; because Witham the messenger had not even the sham authority of the house of commons ; because an order of the house of commons is not law ; and because the warrant of the speaker was not even conformable to that order.

Mr. Lee enforced all the same arguments with great ability and shrewdness, and said that the chief justice must now on the face of the warrant either decide Witham to be the serjeant or deputy-serjeant of the house of commons, or confess that Miller was never in the custody of the house ; because the warrant is directed to be served only by the serjeant or deputy-serjeant, and if the house had (which howsoever he denied) the authority they in this case usurped, yet this warrant would not authorise any persons but those to whom it was directed : he said it likewise appeared on the face of the warrant that Witham was not one of the persons to whom the warrant was directed ; for Witham is called *messenger* in contradistinction to serjeant or deputy-serjeant. He said the chief justice was at that very moment in the same situation with the lord mayor when he decided against Witham ; and that the chief justice was bound to act according to his oath and the law, without paying any regard to the opinions, orders or resolutions of any assembly however respectable or powerful ; and he added that the lord mayor at least would have been perjured if he had declared the speaker's warrant lawful :  
much



much more perjured if he had declared the service of that warrant by Witham to be lawful : and perjured if he had not given a legal redress to Miller against the false imprisonment and assault committed on him by Witham. He said it would have been a very unfit, mean, and unworthy answer of the lord mayor to Miller to have said, " The house of commons is a powerful body, and I cannot take notice of what they or their servants do ; though the laws and my oath make no exception in their favour, yet I cannot meddle with their actions." Such an answer Mr. Lee said would have been to the last degree mean and unworthy of any magistrate ; he added, that his lordship the chief justice would consider what answer it was becoming of him to give who was now in the very situation that the lord mayor was in, when according to the law and his oath, he discharged Miller from an unjust and manifest illegal imprisonment.

To these and other arguments of the learned counsel the Chief Justice replied, that the courts of justice might if they pleased when a matter of privilege came incidentally before them, decide upon the legality of that privilege ; but he said the courts act by an authority which they have by common law ; but the *judges* in the present case act only under the particular act of parliament, which gives them an authority in *vacation* time to relieve from imprisonment persons committed by courts or magistrates having criminal jurisdiction ; and directs them to take proper bail for the appearance of persons so relieved either in the king's bench or in that court of justice where the particular offences, with which the persons are charged, are cognizable. Now he said, the lord mayor's case did not fall within that act, for he is not committed by any court or magistrate having *criminal jurisdiction*, it being absurd in the legal sense of the word to call the house of commons a court of judicature : again the lord mayor is not charged with any thing *criminal* : again, that he could not bind him over to appear in the king's bench or any other court, the matters with which he is charged not being cognizable by any court, or punishable by any laws : again, that he could not tell what bail to take, because he could not guess what the house of commons might think sufficient bail : again, it would be absurd to bind him over to appear in the house of commons.

He repeated it, that this act of parliament was only intended to give relief to persons charged with *crimes*, consequently did not extend to the lord mayor's case, he being not charged with any crime. Besides, he said, this was not in the vacation of the court which committed the lord mayor,

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the house of commons being still sitting; therefore this case was not within the particular act. He said it had been determined by the judges before this time, that a single judge could not meddle with such a case. He mentioned the case of the Aylesbury men in 1704, when chief justice Holt was of a different opinion from all the other judges. He said there was indeed no correct or particular account of each judge's opinion and reasons in that case; but he could not act against that decision. He said it was not very clear how that dispute was settled; but that every one knew it produced a dissolution of that parliament. He finished by saying, that he was clear the present was a case with which he could not meddle; and that the lord mayor must be remanded.

After this decision of chief justice De Grey, Mr. Oliver was carried, according to appointment, before lord Mansfield, at his chambers in Serjeant's Inn.

The counsellors, Mr. Glynn and Mr. Lee, knowing that lord Mansfield had been that morning with the chief justice De Grey, and hearing that *no reasons* were sufficient to prevent the chief justice from granting the benefit of the act, and having heard it said by a judge that a man charged with a *crime* may have the benefit of the act, but that a man charged with *no crime* cannot; the counsellors knowing likewise lord Mansfield and his character and principles, refused to plead before him. When Mr. Oliver came before lord Mansfield, his lordship asked, if he had not counsel; he was answered, No. "I thought you had counsel—I have none." His lordship then asked, if Mr. Oliver had any thing to urge. Mr. Oliver said, No, that his lordship knew how he ought to determine.

Lord Mansfield then, after hearing the warrant and affidavit read, declared, "he was bound by law and precedent not to bail or discharge in this case, the parliament being still sitting; that the alderman must therefore be remanded."

The 22d, precisely at half an hour after eleven o'clock, the right hon. the lord mayor, attended by major Collins, and several thousands of the populace, was brought by writ of *habeas corpus*, before the judges of the court of common pleas.

Mr. Serjeant Glynn first moved for the return of the writ to be read. Whilst the writ was reading, Mr. justice Gould observed, that it *only* directed the body of Brads Crosby, Esq; to be brought before the right hon. Sir William de Grey, without mentioning the names of other judges; and that, therefore, it must be altered before it could be admitted. Here another objection arose on account of this alteration, as the name endorsed on the writ was Charles Rainsford, deputy-

deputy-lieutenant of the Tower; whereas the person who attended the lord mayor, his name was Collins, Rainsford's deputy. Serjeant Glynn availed himself of this mistake; and said, it was a reason that the lord mayor should be instantly discharged, having not obtained that satisfaction by a legal enquiry, which the writ of *habeas corpus* entitled him to. The court unanimously objected to this; but as major Collins reported his principal, Charles Rainsford, to be not in a condition, from illness, to attend, the writ was accepted in its present form, and Mr. serjeant Glynn supported his first motion to the following purport:

He observed that "the lord mayor was committed by a warrant from Sir Fletcher Norton, stated to be an order of the house of commons, for the infringement of their privileges; that to this he opposed the *habeas corpus* act, the highest constitutional authority, to satisfy how far that warrant was legal on enquiry; that the special mandate of the king, was often over-ruled by this authority; that no power was superior to it, here they must all bend, all yield acquiescence. He said, he would not deny, but that the house had certain privileges annexed to their authority, but they were not of that *mystic* sense, to exclude the interference of the laws of the land, particularly when they directly contradicted them. (Here the serjeant stated the whole of the present transaction). And now, my lords, concludes he, how could my lord mayor act otherwise than he did? As chief magistrate of the city, he was bound by his oath and conscience to distribute the laws as they appeared to dictate to him—no consideration on earth could possibly interfere; and did not the common law speak so expressly for the conduct of his lordship, his acting from conscience alone could not culpate him, as no magistrate whatsoever can be punished who acts *intentionally* right, and who takes his conscience for his guide. If you add to these considerations, that the order for apprehending the printer of the London Evening Post, was directed to the serjeant or deputy-serjeant of the house of commons, and notwithstanding this *specification*, executed by Witham the Messenger, your lordships will, in my opinion, have the justest grounds for immediately enlarging his lordship.

Serjeant Jephson seconded serjeant Glynn, by entering into the power of the house of commons, and shewing in what particular cases they were amenable to the courts. He entered into a description of the *habeas corpus* act, and its consequences, and then quoted the following cases: the case of Sir Philip Thicknesse, charged by the courts with adultery—discharged, because they had no power to commit; Coke's

Inst.

Inst. 4th, p. 434; the case of Sir William Chauncy; Lord Vaughan in Bushel's case; John Mab in queen Elizabeth's time, and the late case of Mr. Wilkes; all of whom were discharged for not being properly committed. He then shewed, with great ingenuity, how far these cases applied to the present, which, he said, proved to a certainty, the legal necessity of having his lordship immediately discharged.

These arguments being concluded, lord chief justice De Grey gave his opinion to the following purport:

He observed, "the first point to consider was, whether the authority of commitment was a legal authority; if legal, the court could not discharge; now, the commitment was for a breach of privilege, in discharging a printer contrary to their order. I should be glad to know how we can try that matter here? here are no parties; we can hear no witnesses; formerly the pleas of privilege superseded the law in cases of action; now they are pleas in stay of process; if these were, and are the cases in common actions, how much less authority have we in the present, when the affair is a commitment for a breach of privilege, and contempt of their authority. He further observed, that every court had its particular privileges, where the other could not interfere, as the constitution had thought more proper to give this power into the hands of men, bound by their oaths and duty, than incur the risk of continuing trials from court to court. He instanced this in the case of a person's being pilloried, for a contempt of the court of common pleas, which however it may be thought a hardship, there was no further redress: if this limitation takes place then, says he, in inferior courts, how much more must it in the highest court of judicature in this kingdom, where lord Coke says, the members have not only a judicial seat, but a *judicial power* in their own laws and privileges? They can commit on elections, contempts, breach of privilege, &c. &c. and I defy any man to shew me an instance, where the courts of law have offered to interfere; and this they do from their usages, records, precedents, &c. which the *lex et consuetudo parliamenti* have given them: it were no doubt to be wished, that there was a regular code, expressive of those privileges, that we should be able to judge, with some degree of precision; but since we cannot judge of the contempt, how can we judge of the punishment? For these reasons, he was for remanding his lordship to the Tower.

Mr. justice Gould observed, that the lord chief justice had gone so fully into the matter, as left him little to say; he therefore contented himself with remarking, that though Wicham was neither the serjeant nor deputy-serjeant, yet if

was agreeable to the rules and orders of the house of commons, that he, as messenger, (though not expressed in the order) should act as if either. He then entered into a few cases applicable to his opinion, and concluded with his brother chief, that as every court must judge of its own contempt, so the house of Commons, as the highest court of judicature, were the only judges of theirs.

Mr. Justice Blackstone apologized for adding any thing of his own, to such respectable authorities; but said he could not resist, in so particular a case, making a few observations, which were, "that privileges were inseparable from so high a court of judicature as the house of Commons; they were the necessary effect of such a tribunal, for the sake of justice; every court, he observed, had its particular privileges, which were not transgressed by the other courts; for if the contrary was the case, a person committed in one, may be tried alternately by the other three; it would therefore be equally improper to involve the privileges of the house of commons with the courts, as the privileges of the courts with those of the house of commons." He then read notes of the lord chief justice Wright's opinion, and the rest of the judges of the common pleas at that time, on a similar case, which, with the complexion of the present case, decided him to agree in opinion with his brethren.

Mr. Justice Nares only declared, that having given the strictest attention to this whole business, he was clearly of opinion with the rest of his brother judges.

In consequence of these opinions the lord mayor was remanded to the Tower.

\* \* In the course of this month, the two *illustrious* prisoners in the Tower, have received the most honourable and affectionate testimonies of the veneration and esteem in which they are held by their fellow citizens—All the wards of the city, except three, having waited on them, in proper form, to thank them for their manly, spirited, upright conduct both as magistrates, and as members of the house of commons. In a word, the Tower has been converted into a palace, nothing but processions, and entertainments being heard of daily; together with the marks of attachment shewn by the populace on occasion of their appearance to demand the benefit of the *habeas corpus* act; and the respectful addresses sent to them from all parts of the kingdom—we think they may be considered as enjoying the honours of a triumph, rather than any disgrace or punishment, from their commitment by the house of commons.

# AN IMPARTIAL REVIEW OF POLITICAL WORKS.

## INTRODUCTION.

In our Register for the month of March, we promised to examine critically, the state-papers published by Mr. Almon, entitled, *All the authentic Papers relative to the late negotiation with Spain and the taking of Falkland's Island from the English*. The proceedings in the House of Commons against the city magistrates having furnished such ample matter for the succeeding number, we were obliged to postpone the subject of the late convention with Spain to the present occasion; and we have now the satisfaction to present our readers, a clear state of the whole negotiation with Spain; not only as it is stated in the papers, published by Mr. Almon, but likewise as it stands illucidated by the pen of the high and mighty Prince of Pensioners Dr. Samuel Johnson. This immaculate philosopher having industriously extracted the essence of Almon's state-papers to answer no other purpose, but that of swelling his own pamphlet to a proper bulk, for its price; we can only recommend Mr. Almon's publication to all who are curious in preserving authentic documents of very important public transactions. To such, and to persons designed for public station, these state-papers may prove singularly useful, as they teach the form of carrying on ministerial correspondence between courts; and every document of public offices contains matter of instruction for young gentlemen of rank, who may have distant views of being employed in them.

Such extracts as are necessary for our purpose we shall introduce in the critical enquiry we are now to make into the merit of Dr. Johnson's pamphlet, to which we proceed.

*Thoughts on the late Transactions respecting Falklands Islands.*  
8vo. 1s. 6d. Cadell.

**I**T is universally agreed, that this lame defence of a wretched cause is written by the formidable Dr. Samuel Johnson; there were two obvious methods of ascertaining this truth, both of which have been successfully practised by the author of this review. In the first place, soon after the publication, he observed the motions of the *Scotch fry* in many of our coffee-houses; and found them extolling to the skies, this heavenly performance;

formance; and in order to impress a weight and influence beyond their own fulsome adulation, they took care to inform every one, whom they could draw in to converse on the subject, that Dr. Johnson had silenced all opposition to the late prudent convention with Spain, by publishing his indisputable sentiments in favour of the ministry. As the present administration think it no disgrace to employ spies in all quarters of the town, who frequent every public room, and indeed haunt most private places, where any number of men are assembled together to pass the evening, it is not at all unfair to make reprisals. This has been done with respect to the pamphlet in question; and two circumstances have been traced which leave no doubt about its author.

The first edition was distributed, dispersed, and bought up, before it was possible for any impartial judgement to be formed of its merits or demerits—this was effected by the strength of recommendation from the ministry for whose defence it was penned,—it was in the hands of every clerk in all the public offices under the government, and every member of the majority in both houses, prior to, or on the day of publication—while our friends Sir Joshua Reynolds, and honest Basset, spared no pains to promulgate the political gospel of their great lord and master, till it became the common question of the day—Have you seen Dr. Johnson's *Falkland's Island*? These are the arts taken to usher into the world, the political manoeuvres of an hireling, who is so well paid by his employers, that the additional means of insuring the sale and enhancing the value of a simple pamphlet, by a thousand little tricks and artifices should seem beneath the dignity of a court pensioner; but avarice leaves no mode untried to add to her stores.

This laboured performance opens with a moral reflection strangely worded, but calculated to support the main argument in defence of the late convention,

"To proportion the eagerness of contest to its importance seems too hard a task for human wisdom." Any one, unacquainted with the singularity of Dr. Johnson's style, would be apt to conclude, that he meant to insinuate, that the eagerness of the contest lately carried on with Spain was not proportioned to its importance, if this had been his opinion we should have had some hopes that the increase of his pension from three to five hundred pounds *per annum* since the publication of *The False Alarm*, had enabled him to purchase some of the best political treatises, and closely to apply himself to the study of a science of which he appeared to be so totally ignorant last year. But on the contrary he has now furnished a

fresh

fresh proof that political writings is quite out of his walk, yet he boldly takes up the pen at the command of his masters and scatters abuse, nonsense and falsehood through the land on the strength and credit of his name supported by booksellers and Scotchmen.

If you will read the passage with the following correction his true meaning will be apparent. "To *restrain* the eagerness of contest and *limit it* to the true estimate of the object in dispute is a task too hard for human wisdom."

Falkland's Island according to Dr. Johnson was not an object of any importance to this nation, therefore the minority in both houses of parliament, and the most judicious writers who have favoured the public with their sentiments from the press, the relater of Anson's voyage amongst the rest, are all a set of blockheads who not being possessed of human wisdom, have pushed the eagerness of contest far beyond the importance of the subject. But as our great man does not expect we should believe him on his bare *ipse dixit*, he has laboured for a few months at the Museum, and in his own study to find out the means of depreciating Falkland's Islands in the eyes of the whole nation, in order to pave the way for a justification of the conduct of the ministry in their past, and purposed future proceedings with respect to them.

We will make a few observations on the political judgment and abilities of Dr. Samuel Johnson;--the Spaniards hardly thought these islands important enough to deserve a name, till after the publication of Anson's voyage, since this time they have been strenuous in asserting their claim to the sovereignty and they have lately made an hostile attempt in the midst of profound peace not only to maintain the prior right they contend for, but likewise to secure possession. It is evident from this conduct, that the court of Spain, did not consider the relater of Anson's voyage as a mere romantic writer, who magnified objects by the warmth of an heated imagination, but as a sensible judicious narrator of remarkable but true and important occurrences, which conveyed new information to his countrymen, and threw new lights on the situation of these islands, which might enable some patriotic minister to form establishments in that part of the world of equal advantage to the navigation, commerce and maritime power of Great Britain. But in proportion as the Spaniards discovered from us the importance of these islands, it seems that their value was to diminish in the opinion of our government, this is Dr. Johnson's mode of reasoning.

But to shew how little he knows of the principles of politics we need only advert to the trifling ridiculous light in which



which he wishes to represent, the greatest success that he supposes, could have attended Anson's expedition.

"They would have taken a few towns--Anson and his companions would have shared the plunder, &c."—Wretched scribbler, is there no school open where thou canst resort to learn the elements of politics—is it not one of the proposed objects of war to weaken and impair the national strength of the enemy by every possible means—is not this expressed in every declaration of war? we do not want you to inform us that war is a plague, that it ought not to be entered into, till every effort that humanity and sound policy can dictate, has been tried to avoid it—but when commenced on just grounds, to annoy, distress and ruin the enemy is a general necessary instruction, in order to reduce him to make reparation for the injuries which occasioned the war, and to oblige him to sue for peace—every town therefore taken or destroyed by Anson must in some degree have answered this end—if there were shipping in the harbours—or convoys of provisions for their fleets—or a military force, or military stores in their forts and garrisons, the taking or destroying these must have diminished the national strength of Spain—still more invidious is his remark about sharing the plunder or ransom—if Anson and his companions did not fling it into the sea, every child would inform him that if brought home, it must increase the relative riches of a state, and that it is of no account what individuals possess those riches, if they remain with us, and are circulated at home.

The use of a settlement on these islands in time of war, the Doctor admits because it was impossible to deny it, but he thinks the advantages of such an establishment in time of peace cannot easily be proved. A writer who ventures to impose his opinion with a dictatorial authority, when it respects their national interests, and who insolently treats our patriotic nobles and commoners who are of different sentiments, "as savages who roar only through hunger," should be very careful not to leave room to suspect him of wilful fraud, by the suppression of material evidence when it makes against him. With his usual arrogance in deciding on the merit of both the living and the dead, he ascribes the sending out of Captain Byron in 1765, to take possession of Falkland's Island as the effect of a vitiated judgement, and an inclination for romantic projects and airy speculations, in the complexion of Lord Egmont then at the head of the Admiralty; but he wilfully omits the opinion of Lord Anson concerning the necessity of a settlement on these islands given to government long before Lord Egmont came into the admiralty department—we beg  
leave

leave to supply Dr. Johnson's defect, by referring our readers to this opinion, inserted in our Register for March, p. 140. After perusing this opinion, we doubt not but it will appear very ridiculous in Johnson to allow the utility of such a settlement in time of war, and yet to find fault with the minister who projected, and the brave officers who carried it into execution, in time of peace,—the only time when such an establishment could be made with propriety as it would afford the opportunity of cultivating and improving it, so as to make it, if it was not already, an important acquisition in that part of the globe.

To say the truth, it should seem as if Dr. Johnson had a pension from prince Masserano to sport with the nation's disgraces; and laugh us out of a well grounded opinion we have entertained of the imbecility and cowardice of our ministry in the late negociation. Who can withhold his indignation at the man who treats so aggravating an insult as that of taking away the rudder of a king's ship, in the following light manner.

"If the rudder be to a ship, what his tail in the fable is to a fox, the part in which honour is placed, and of which the violation is never to be endured, I am sorry that the Favorite suffered any indignity, but cannot yet think it a cause for which nations should slaughter one another."

Indeed, Sir, you may possess much learning of a particular cast; but this kind of foolery shews, that you either want common sense or common honesty. Have not wars been commenced for refusing the honours of the flag?—Is it not an established rule to fire into any ship that refuses to lower her colours to an English man of war?—If slaughter ensues, who is accountable for it but the aggressor?—When by the customary law of nations these points are once established, you must maintain them; or, rival nations, once observing that you put up with one insult, will soon proceed to another, till they deprive you of all the honours of superiority.

But what can we expect from a man who, in one page, abuses our brave officer Captain Hunt, for warning away the Spaniards, calling it an act of insolence, though Lord Weymouth in his letter to Mr. Harris, of the 12th of September, expressly says, that his instructions were to warn the subjects of other powers to quit the settlement of Port Egmont;—or, who in another part of his pamphlet, applauds the moderation of the Spanish commander, who took away the Favorite's rudder, in these words: "He exerted little of the conqueror, what he had offered before the attack, he granted after the victory."

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Let us, my countrymen, make reprisals upon this man, who stiles your patriots *pigmy rebels*, and make no scruple to call him a gigantic, overgrown traitor. For he has done more, he has pointed out to the Spaniards means of ascertaining their prior right to the sovereignty of Falkland's Islands, which they could never have thought of, if he had not published his expository pamphlet. He likewise aims at depressing the spirits of our statesmen, soldiers, and sailors, whom he would render as dastardly as his favourite ministry;—for he tells us, that against the Spanish dominions we have hitherto never been able to do much,—accounting the conquests of Jamaica, Gibraltar, and Minorca, as nothing, and stiling the taking of the Havannah in the last war, a curse upon the nation; all this is done with a view to deter us from a war with Spain, and to shew how much we had to fear from a rupture with her, he says, “We had to transact with a mighty king, and a powerful nation;”—but happily we are able to controvert this sulsome panegyric—for the king is an idiot, whose morning amusement is to churn butter for the ladies of his court, and to present it to them as the greatest rarity,—with respect to a nation, that surely cannot be called powerful, which has neither extensive commerce nor naval stores. To conclude, Johnson asserts the right of the Spaniards to Falkland's Islands, a point which the Spanish ministry never could maintain, and therefore always drops, when it came to be discussed in a masterly manner. He knows his masters intend to give them up, and therefore asks—Why the Spaniards should disavow the defence of their own territories?

In a word, there is a chain of false reasoning, a total deviation from truth in the stating of some facts, and a wilful suppression of others, discoverable in this performance. He unfairly infers, that war must have ensued if we had insisted on more honourable terms of reparation; but on the contrary, it appears on the very face of the negotiation, that the Spaniards dreaded nothing so much as a war without the assistance of France; and had our ministry acted with spirit, France would not have dared to join them. But a mean submission to let France interpose, produced the late shameful convention, which deprived us of a lawful occasion to put it out of the power of Spain to disgrace the British flag a second time. Never was the right of war, or of granting peace on our own conditions so clear and indisputable; but it has been sacrificed to the darling pacific disposition of an idle effeminate court, and a puerile ministry.

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T H E

# POLITICAL REGISTER

For J U N E, 1771.

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N U M B E R LII.

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To the PRINTER of the POLITICAL REGISTER.

S I R,

**T**HE session of parliament being closed, and every effort of the honest, intrepid friends of freedom to obtain redress of our many national grievances having proved ineffectual, we may now be at leisure to sit down and endeavour to account for the success which has attended every measure of administration from the time that the Earl of Bute was at the head of the treasury to the present hour. It is observable, that the oppositions which have been made to the extension of the power of the crown, and to sundry innovations in government which endanger the free constitution of this country, have been conducted with great spirit and ability in both houses of parliament, by men of the most unblemished characters—men who possess the powers of eloquence, and every advantage from nature and education, to aid them in the cause of virtue and truth:—Yet to our great mortification, we have seen them repeatedly lose the day, while contending with men of infamous characters, and weak intellects, who yet have had the skill and address, in their own way, to jockey the nation, and securely to exult and triumph over the defeat of its true patriots.

We need not perplex ourselves by searching for various remote causes of the present disgraceful situation of public affairs in this kingdom—it will be no difficult matter to trace

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the source of our national evils, or to account for the exaltation to dignity and high offices of the meanest and most worthless of the human race—while the highest characters, men of the most sublime genius—possessed of the most distinguished talents for government, and who would have been an honour and an ornament to ancient Rome, are spurned, despised, vilified and persecuted, by a venal, corrupt banditti, who are leagued together against public virtue, and seem resolved to destroy every principle of it remaining in our altered constitution.

We have lived, Sir, to see the people of this country quietly submit (after a few faint struggles, in which they but poorly seconded the noble efforts of their champions) to be governed by a *prime minister*. The power and strength of administration, which by our ancient constitution was wisely distributed in equal and due proportions amongst all the officers of government, we have seen by degrees centering in the head of one particular department, till at length the character, office and functions of a prime minister, in despotic states, has been assumed by the first lord of the treasury, and nothing but the odious title has been wanting of late years to make it visible to the whole world, that we are tyrannically ruled by this creature of power, to which our ancestors in former ages shewed such a strong antipathy, that our national abhorrence of this delegated despotism, was one of our distinguished characteristics.

Till this antipathy is revived in the breasts of the whole body of the people, and breaks forth into honest, effectual resentment—in vain will be every spirited debate in parliament and every spirited opposition out of doors: for the force of numbers will bear down the weight of all sound reasoning in the senate, and the lengthened arm of authority will be made bare to persecute and oppress every daring son of liberty, who presumes to animate the public, by precept or example, to a just sense of the public danger.

It matters not whether we are governed by an ostensible minister, or by some concealed bashaw, who changes his puppets as often as he thinks proper; and to shew how lightly he thinks of us, can give us for prime minister, a Newmarket jockey, and when tired of him, hang him upon the peg again, and put forth the next in office, as chief actor on the political stage. We must be assured that the power and confidence of the crown is equally divided amongst all the great officers of state; and that each is enabled to act independently in his department; before we can hope to see the constitution restored to its original purity, and the force of corruption destroyed.

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For what would avail the, so much desired, dissolution of the present parliament—while there is such a thing existing as a minister of Great Britain, who, whether he is called *prime* or not, is so in effect; and, while he is possessed of the power at this time vested in *the first* lord of the treasury—there can be no doubt of a ministerial majority in the house of commons; and if that majority can be depended on during another septennial parliament, though it should consist only of ten voices, it will answer the purpose of keeping us enslaved to the minister as effectually, as if it counted twenty times the number—for it will equally answer the purpose of destroying the force of patriotic speeches, in opposition to bad measures of administration, by putting a negative on all popular motions.

No independent man in this kingdom, who is in the least conversant with the subject of politics, or acquainted with the mode of government in the neighbouring states of Europe, can make the least doubt, that there has been a settled plan formed of late years, to govern this kingdom and its colonies by prime ministers.

The first attempt to carry it into execution failed, because the Earl of Bute was too sanguine and violent, not giving himself time to reflect, that great changes in a free constitution must be gradually accomplished by slow and almost imperceptible degrees. He retired in a fortunate moment for himself and his countrymen—but in an unlucky hour for Englishmen—whose rights and privileges by one great sacrifice on the altar of public freedom, would have been more effectually secured for ages to come, than by all the petitions, remonstrances and debates that the wit of man could frame, or the intrepidity of our magistrates carry to the foot of the throne. Had his lordship gone one step further, after reducing some hundred of families to poverty and disgrace, merely for their attachment to the house of Hanover on revolution principles—he had been that victim, and no puny, ostensible minister of his creation would have been exposed this year, to the impotent rage of an unarmed rabble, lawless and outrageous as was the assault made on lord North, *as it is well* clearly proves my assertion, that there is a strong antipathy in the minds of Englishmen to a prime minister.

The flame is smothered for the present, but if history be the key of knowledge, we have only to make use of it to open the minds of our countrymen to the clear demonstration of this truth, and to present to those mistaken wretches (who, because they enjoy a short-lived triumph over the people, imagine they can maintain this usurpation) the tragic memoirs of ministerial power in this country. By a perusal of these

authentic narratives of the fall of their predecessors, living ministers may be warned not to exhaust the patience of their intemperate countrymen; and the uninformed people may gain this necessary but alarming intelligence; "That this nation has always been unfortunate when any one subject was vested with the power of the crown in a superior degree to the other great officers, who were thereby subjected to his controul and management, by which the whole body politic became his slaves."

It is with this view, Sir, that I have sent you a concise history of the *prime*, or *sole* ministers of England, from the conquest to the restoration, from a valuable old tract in my possession,—if you think proper to publish it, you may depend on my completing it, by adding the memoirs of those who have flourished since that period, concluding with lord North.

In my own humble opinion, such a history must be very proper to be bound up with the Political Register of the times—times in which we can no longer doubt of the existence of a *prime minister*, after those violent exertions of power which took place, in the reigns of Bute and Grafton, and which have received no inconsiderable addition this year from the ministerial party in the house of commons.

I am, Sir,

Your constant reader, and  
ancient correspondent,

Hertford, May 13th.

ATTICUS.

*A Concise History of PRIME MINISTERS, from the  
Conquest to the Restoration.*

"WILLIAM THE FIRST, who was by nature formed to keep, as well as gain a crown, never would trust his power in *one hand*. But when the most potent of his *ministers* (*Odo*, bishop of *Bayeux* and earl of *Kent*) had, by his rapacious management of the public money, amassed a mighty treasure, and was forming a scheme to *establish himself independent of his master*, that king took him from amidst a confluence of noblemen and gentry, who attended on him, and at once disappointed all his ambitious views, by a strict imprisonment, and he was afterwards obliged to abjure the realm."

"William the Second, was *wholly* under the influence of *Ranulph*, bishop of *Durham*, who, by new methods of squeezing and oppressing the people, so fed his master's insatiable thirst after money, as to become the *principal director*  
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of his counsels. His mal-administration disposed the subjects to revolt. One conspiracy broke out in the year 1095; and another more formidable was ripe for execution, when the king's death prevented it.

"Henry the First, who is justly reckoned amongst the wisest of our princes, had no Prime Minister. He sought out the most able men in his kingdom for the offices of state, preferring such only as were acceptable to the people. 'He took the best courses to please and gratify his subjects; by seeing himself that no corruption, or oppression should burthen the country; by making frequent progresses to observe how his realm was ordered in every part of it; by being affable and easy of access, so that all might enjoy his company; and by being hospitable, so that all might share of his good cheer.'

"Nothing so much endeared him to the nation, as 'the committing to a freight and loathsome prison *Ranulph of Durham*, the Prime Minister and oppressor of the former reign.' And after that, when one of his own ministry, *Robert, earl of Mallet*, had by his conduct incurred the people's hatred, 'he first disgraced him, and then stript him of his vast estate.'

"King Stephen 'was elected to the crown upon this consideration; that by preferring one, whose title was weak, 'the nation might be better secured in their antient liberties, 'than they could be under one, that came to the throne by lineal descent. Accordingly the fealty sworn to him was 'upon condition that he observed the tenor of a charter, 'wherein the rights and liberties of the subject were declared.' But his Prime Minister, *Alberic de Ver*, having led him into arbitrary measures, the nation revolted from him to the *Empress Maud*, who was the rightful heir of the crown by descent. She too had a Prime Minister, the *Bishop of Winchester*, who, though brother to *Stephen*, had set the crown on her head; but in whom she reposed too great a confidence. For this ambitious statesman (perceiving the *Londoners* averse to *Maud*, and that the whole nation began to dislike her) consulted his own interest by a private treaty with her competitor, and having obtained his own terms, obliged his royal mistress to quit the kingdom, and retire to her own dominions beyond sea.

"Henry the Second in all his reign had but one Prime Minister; to whom all the troubles, or the seeds at least of all the troubles of his life were owing. This was the famous *Thomas Becket*, who was for some years the sole manager of all affairs of state, and was entrusted with the care of the education of the king's eldest son. But this wicked minister was

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no sooner raised to an independent state, than he entered into an open opposition to his *master*; dissent him in all his counsels; and concerted such measures with the young prince, who had been under his tuition, as produced an open rupture between the *father and son*, which lasted even after the author of it had been long buried; and to which the *ill conduct* of queen *Edwina* not a little contributed. Many indeed have imputed all the disasters of this unhappy reign (which ended in a conspiracy of the two sons against their father, that broke his heart) to the judgments of heaven upon the king, inasmuch as he had sinned against the laws of nature and of conscience in the beginning of his reign, by an open violation and disobedience of his *father's will*.

“ Richard the First, as he spent the greatest part of his time beyond sea, so he unhappily vested his whole power in the narrow hands of one Prime Minister, the *bishop of Ely*; who soon exerted his *authority*, independent of his *master*. History informs us, that he not only imprisoned and oppressed the king's best subjects, but even turned out his *personal favourites*. He excluded the nobility and those ministers, whom the king had joined in commission with him, from any share of government, and acted in so arbitrary and insolent a manner, as rendered him odious to the whole kingdom. The nation, no longer able to bear with his oppression, invited from beyond sea, *Earl John*, who had thereby an opportunity of assuming the government, whilst his unhappy brother the king (being taken prisoner by the emperor, in his return from the Holy Land) had well nigh lost his life and kingdom, by thus imprudently putting the reins of government into the hands of one *ill-chosen minister*, who could not hold them.

“ King John, who succeeded him, was a poor, weak prince, governed by the man, who had the best address to flatter him, and most of all by such, who offered him new methods of raising money on the people. By this secret *Hubert*, archbishop of *Canterbury*, became the *sole director* of his councils; which he conducted in such an arbitrary manner, as to raise a civil war, in the very beginning of which, this *pecuniary projector* died. His successor in favour and in power was *John Gacy*, a *Norfolk man*, who for his private interest engaged his *master*, first in *idle contests abroad* with the *pope* and the *king of France*; and then persuaded him to mean submissions to those very enemies, he had procured him, which disgusted all the subjects at home; for the nation could not bear that strangers should offer *indignities* to the king and kingdom, with impunity. This *Norfolk man* being thus become the object of the people's hatred, next procured for his *master* a considerable  
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body of *foreign troops*, which he kept in pay; in order to conquer his own subjects; and this bad step drew on an invasion; so that our wretched country was wasted by two contending armies, till the unhappy monarch himself, being in the end deserted on all hands, was poisoned at *Swinshead Abbey*; and died unpitied, as he had lived unbeloved.

“ Henry the Third, a prince unable to learn wisdom from his father’s misfortunes, was all his life a wretched prey to favourites. *Hugh, or Hubert de Burgh* was the first; of whom the historian says, ‘ That he forced the people to pay as he pleased, and not according to their abilities.’ His ill conduct bred an insurrection against the king, who at length forsook him; being convinced of this minister’s folly, in expending the treasure of the nation in fruitless and shameful expeditions; and of his fraud, in applying no small share of it to his own private use; and for his mal-administration he was both disgraced and imprisoned. But no sooner was the poor monarch delivered from this destructive engrosser of power, than he fell into the hands of another; *Peter*, bishop of *Winchester*. This man and his creatures so harried the kingdom with taxes, that the king was forced to summon a parliament, in order to prevent a civil war. ‘ The barons sent the king word they would not come to parliament, till he removed the bishop of *Winchester* from his court; which if he refused to do, they would turn him and his evil counsellor out of the realm, and choose a new king.’ And indeed this unhappy reign was afterwards but one continued scene of oppression and civil war, occasioned by the wicked ministers, who successively engrossed the sovereign’s ear; and made him quarrel with his worthiest subjects; till at last one prime minister (*Simon de Montfort*, Earl of *Leicester*) whom he had raised from nothing, employed all the power his master had weakly put into his hands, in opposition to him. He first raised an army, and then attacked the king at *Leicester*, where he defeated and took him prisoner, and kept him under close confinement for near two years, himself all the while governing the nation in his name; till the brave *prince Edward* slew this traiterous prime minister at *Lincolnton*; and thereby set both the king and kingdom at liberty.

“ Edward the First, who may well be ranked amongst the greatest princes, that ever reigned in this or any other country, never bestowed his confidence on one man only, but sought the ablest of his nobles for publick posts, in which he gave to each an equal share of power. He severely punished every one in employment, who was found guilty of oppression or injustice; and no less than thirteen of his judges were at one time, condemned by him for extortion, and fined 200,000 marks,

marks, which was then as much as 800,000 would be at this time.

“ Edward the Second was very popular at first. ‘ Never prince came to the crown with greater love and more general applause of all his subjects, than he did ; which might have been secured to him by a little wise management.’ But when it appeared he hated all *his father’s real friends*, and that he violated his father’s last will, by recalling *Gaveston* from banishment ; the aversion to him grew as universal as the applause had been. His *prime minister Gaveston* became so odious to the nation, that the *nobles* rose in arms against him, and having seized upon him, they executed him without a trial. This *minion* was no sooner destroyed, than two others rose in his stead ; the *Spensers*, father and son. These men so vexed the people with their arbitrary impositions, that it drew on a civil war ; in which one of the *Spensers* was taken by the nobles, and put to death as a traitor ; and the poor monarch himself lost his crown and his life soon after.

“ Edward the Third, in his minority, was under the usurped tuition of the queen *his mother*. During her weak administration, *Mortimer* was *sole minister*. His base murder of the deposed king, his scandalous treaty with the *Scots*, his rapacious sale of public offices, and his open robbery of the nation’s treasure, had so dishonoured and incensed the whole kingdom, that whilst he was wholly taken up with inventing new methods for aggrandizing himself and all his kindred, the *nobles* conspired to seize upon his person ; which being done, they forced the queen to call a parliament ; in which she herself was stripped of all her ill-conducted authority, and her minion *Mortimer* was hanged and drawn at *Tyburn*. During the rest of this long and glorious reign, there was no *prime minister*, but many of those statesmen, whom the king employed, were at different times called by him to a strict account for base practices, in raising *oppressive taxes*, and for *corrupt dealing* in the treasury. The chancellor, treasurer, chief justice, and five more, were for these crimes imprisoned in the year 1340 ; and the archbishop of *Canterbury* was disgraced for the same ill conduct in 1341. The severe punishments inflicted by this *wise monarch* on corrupt judges ; the wholesome laws made by him to repress luxury and vice of every kind ; his watchful care over our *British* trade and manufactures, and the wise acts of parliament passed by him, for the encouragement and improvement of our staple commodities ; the many glorious successes his arms were blest with abroad, and the happy quiet his subjects enjoyed at home,

home, are all of them so many demonstrations, that this great king was not in the hands of a *prime minister*.

“Richard the Second, by not treading in these steps, lost both his crown and his life. He came to the throne with great advantages; the people were enamoured with him, and received him for their king with universal joy and satisfaction; the loss of their brave king, so lately deceased, was quite forgotten, being swallowed up with the hopes of that happiness, which they promised themselves under this his successor.’ But the scene was so entirely changed in a few years time, and the taxes grew so insupportable, (more from the *method of collecting them*, than from their quantity) that one rebellion was no sooner quelled, than another broke out. The king himself seemed only to have assumed the government, that he might throw his own power into the hands of a corrupt *prime minister*, *Michael de la Pole*, earl of *Suffolk*. He had grown so suddenly from a low to a rich estate, by bribery in his office, and by embezzling the public money, by grants from the crown to him and his family, and by oppressing the subjects with *illegal taxes*, for which he afterwards compounded with them in private; that in the end, the parliament petitioned the king to remove him from his councils; and the king, being in no condition to dispute the point, at length consented to this demand. ‘And then it appeared how good a prince king *Richard* was, when separated from *evil counsel*.’

‘The guilty minister was with the royal approbation deposed from all his offices; his estate of 1000*l.* a year (equal to 10,000*l.* now) was confiscated, and he was fined in twenty thousand marks.’ But the poor monarch could not long hold the reins of government himself; he soon chose another *prime minister*, full as wicked as the former, *Robert*, duke of *Ireland*. His first step was to screen *Michael de la Pole*; he persuaded the king to remit his fine and restore him to his estate, and to discountenance those nobles, who had procured his disgrace; telling his deluded sovereign, ‘That the main aim of those nobles, who procured the sentence on *Pole*, was to dethrone him by disgracing his first minister; for that it was an easy inference, that the king is not fit to rule, who knows not whom to trust. By these and such like arguments the king was wrought up to the ruin of those lords, whom these bad ministers accounted their enemies.’ Several projects were formed to destroy them by force; but the universal love the nation bore them made this impracticable. The minister tried to pack a parliament; but that too was found impossible, the nation being in a flame against the

court, These attempts, proving unsuccessful, produced a civil war, in which the *ministerial forces* being routed, the *duke of Ireland* and the *earl of Suffolk* were both forced to fly from publick justice. ' But the chief tool of their power, ' Sir *Robert Tresilian*, being seized, was condemned in parliament, and pursuant to their sentence drawn through the ' city of *London* on a hurdle, and hanged at *Tyburn*.' After this public act of justice, the nation was at quiet for some few years, till the *earl of Rutland* (after that created *duke of Aumerle*) became *prime minister*. He, fearing the fate of his predecessors, resolved to remove those *sturdy patriots* out of the way, who had accomplished the ruin of the *duke of Ireland* and *earl of Suffolk*. He therefore packed a house of commons by wicked means, and got the *earl of Arundel* and others to be impeached, condemned and executed. This, and many other acts of oppression, so disgusted the city of *London* (from whence the disgust spread through the whole kingdom) that every thing was ripe for a civil war. In this condition were affairs, when the *prime minister*, as if designedly to compleat his master's ruin, persuaded him to go over to his dominion of *Ireland*; where he had no sooner landed, than the *duke of Lancaster*, with a small body of foreign troops, invaded this kingdom; and having seized upon some of the chief instruments of the *minister's* tyranny, and put them to death, was by the whole nation received as their *deliverer*. The king, upon this news, returned from *Ireland*, with an army sufficient to have maintained his crown, had they adhered to him; but see the fidelity that may be expected from all *prime ministers*! The *duke of Aumerle*, to whom the present distress of the king's affairs was chiefly owing, was the *first* that deserted him; dismissed his best troops, and fled over to the *duke of Lancaster*, with 500 men. *Richard the Second* was soon after himself betrayed into the hands of his enemy; deposed from the throne by his parliament; and at last murdered in his prison.

" Henry the Fourth, who succeeded him, as he came to the crown by the people's choice, so he maintained himself in the possession of it, by consulting their interest. He never placed his power out of his own hands; his reign was indeed disturbed by civil wars, which his disputed title and the burthen of necessary taxes drew upon him; for, *people do not love to buy even happiness too dear*.

" Henry the Fifth, during his short but glorious reign, had no *prime minister*.

" Henry the Sixth was the reverse of his wise and great father, in the whole conduct of his long, weak, and turbulent reign.

reign. He had no sooner taken into his hands the power of the government, than he bestowed the whole administration of it on one *wicked minister* or another, 'till by their means he was deprived of his dignity, liberty and life. *William de la Pole* was his first *prime minister*, and was supported in his power by the ascendant the queen had gained over her husband, even after the king had conceived a just aversion for him. The oppression of the subjects at home, the losses we sustained abroad, and the contempt brought upon our councils, by *Suffolk's* ignorance and blunders, raised the nation's discontent to the highest pitch. They said, 'It was no injury to pitch upon another king, since the present sovereign had deposed himself in effect, by suffering the queen and *Suffolk* to over-rule all.' The commons at length impeached him for treason, and the lords committed him to the tower; but during a recess of parliament, the queen procured his enlargement, and restored him to his former favour. This was so highly resented by the nation, that the court were obliged at last to banish him, in order to save his life; but that proved ineffectual; for the ship, in which he embarked for *France*, was pursued and taken by another ship belonging to the duke of *Exeter*, and *Suffolk* himself was beheaded by the captain near *Dover Sands*. The next *prime minister* in this reign was the duke of *Somerfet*; who 'rose high in favour with the king and queen, ruling and governing all, as he pleased. The nation was by no means disposed to a rebellion against the king; (for no harm was meant him, good man, who did no ill to any, and desired the nation's welfare in all things) but against the queen, the duke of *Somerfet*, and his cabal, who usurped the regal authority. The first attempt the nobles made was on the duke of *Somerfet*, whom they caused to be arrested in the queen's bed-chamber, and sent to the tower, in order to answer the crimes that should be laid to his charge in the ensuing parliament. Accordingly he was there accused of high treason; but by the queen's influence that parliament was dissolved and the duke was set at liberty.' Upon this, the nobles rose in arms, and declared for the house of *York*; the court too raised an army, which was totally defeated; the king himself was taken prisoner, and the *prime minister* was slain in the action.' The rest of this reign was one continued scene of civil war, till it ended in the king's murder, and in the transfer of the crown to another family.

"From this æra to the time of Henry the Seventh, England was free from the tyranny of a *prime minister*, but towards the latter end of this reign, the king's love of money

increasing with his age, *Empsen and Dudley, those leeches of the people* (as lord Bacon calls them) built their greatness upon their *singular talents* of devising new methods, how to raise money; in which they so cruelly squeezed and oppressed the subjects, whilst the king's coffers abounded with treasure, which he could not use, that in the end the whole kingdom was disposed to rebel. The historian therefore recounts it, as one of the felicities of this reign, 'That an opportune death withdrew the king from any future blow of fortune; which certainly, in regard of the great hatred of his people, had not been impossible to have come upon him.'

"Henry the Eighth found no other method of recalling the *lost affections* of the people, but by giving up to public justice those two *wicked ministers, Empsen and Dudley*; who, being guilty of that very worst of treasons, *alienating the people's hearts from their sovereign*, were beheaded on the 18th of August, 1510. This wise act procured the new king the whole nation's love; which he preserved for many years, 'till the oppressive conduct of his own *prime minister, Wolsey*, staggered their loyalty. The character of this ambitious statesman has been so often set forth, in all its colours, that I shall only observe at present that he engaged his master in *many fruitless, inglorious expeditions abroad*, which sunk the honour as much as they drained the treasure of the nation; that he was so insolent as to usurp the *regal stile*; seldom speaking of his *master's actions*, but under the title, *We did so*; that he sold his *sovereign's alliance*, by turns, to every potentate in *Europe*; 'till at length there was scarce a prince left, who thought it worth the purchasing; and last of all, that he accumulated so vast an estate, as to form a project of making himself independent of the crown. I shall end his character, with what the writer of those times, the most partial to him, the lord Herbert says, 'One error was that he and his were invested with a *hateful multiplicity of offices and places*; which as it drew much envy on the cardinal in particular, so it derogated no little from the *regal authority*, while one man alone seemed to exhaust it all. Since it becometh princes to do, like the good husbandmen, when they sow the ground, which is to scatter, and not throw all in one place.' The disgrace and imprisonment of this *overgrown monster of power* (in which he died of grief) soon recovered the straying affections of the people, who were never more effectually gained, than by *such a sacrifice*; but this *happy turn* lasted not long. The popular discontents were revived by the many changes in religion, and by the exorbitant power thrown in the hands of *Cromwell*, who was made *privy seal, lord chamberlain, knight of the garter, and vicegerent*

*vicegerent general in spirituals.* To him lord Herbert attributes the taxes in 1536, which occasioned a most formidable rebellion in *Lincolnshire, Yorkshire,* and other parts; and consisted of no less than 30,000 men, who were not dispersed, but upon promise of calling a *free parliament.* To him he likewise attributes the heavy taxes in 1539, which he says, 'equally oppressed both the clergy and the laity; and made the author of them so universally hated, that the king gave way to the accusations against him; and then it was evident he must fall.' For it was impossible that one, who meddled so much in all the great and public affairs, should not in divers so mistake and err, as to incur the note of a criminal, when inquisitions were made against him. The disgrace and imprisonment of *Cromwell* was received by the people with many acclamations, that witness their joy; *so impatient are they usually of the good fortune of Favourites.* And all former faults being imputed to him, every one began to hope for a better age. He was attainted in parliament of crimes great and enormous, and such as deserved capital punishment; but as he was not permitted to answer for himself, the proceedings were thought rigorous; but so few pitied him, that all was past over, and he was executed on *Tower-hill* in *July 1540.* The rest of this reign, as it was free from any *prime minister*, so was it likewise from rebellions.

"Edward the Sixth, during his short reign of minority, had no less than *two prime ministers.* The first was the duke of *Somerset*; who, though uncle to the king, and protector of the kingdom by election, could not avoid the fate, that in this country naturally attends on too much power, when vested in the hands of one subject. The engrossing the regal authority was his only crime; this raised insurrections through the kingdom; this united the chief of the nobility against him; this procured his imprisonment in the Tower in 1549; and lost him his head in 1552. The ambitious author of his ruin, the duke of *Northumberland*, succeeded him in power, and soon became the object of the nation's hatred; he even contrived to fix the crown upon a *lady*, who had married into his own family; and when he had brought his royal master to consent to that settlement, he was strongly suspected to have poisoned him. Sir *John Hayward* and *Godwyn* both agree that this suspicion was founded on no trivial conjectures. The former of these writers says, "The people left nothing unpoken, which might serve to stir hatred against *Northumberland*, and pity towards the king; but the duke was nothing moved hereat; for being equally obstinate, both in purpose and desire, and mounting his hopes above the pitch  
"of



“of reason, he resolved then to dissemble no longer, but began openly to play his game; a game, for which he justly lost his head in the succeeding reign.”

“Queen Mary, in her reign, had but one Prime Minister, *Gardiner*, bishop of *Winchester*; who made the nation a scene of blood and desolation, in order to obtain for himself a cardinal's hat. For that purpose, he promoted and accomplished that hateful *Spanish* match, which, had it proved fruitful, must have made this island a province dependent on *Spain*. It met with the universal disapprobation of the people, and raised a rebellion; which, but for an accidental disappointment, had probably overturned the whole government. This avowed disgust occasioned those articles in the treaty of marriage; whereby the liberties of this kingdom were secured, as much as words can secure against power. *Gardiner's* blundering politicks, in contriving so unnatural an alliance, soon involved the nation in a war with *France*, in which we lost the important harbour of *Calais*; a loss, which so affected the poor, deluded queen, as to be the immediate occasion of her death.

“Queen Elizabeth succeeded; and, in her long, wise and glorious reign, not one Prime Minister appeared. Her people's love was the strong basis of her government, as their interest was the only drift of her councils. *Cambden* says, ‘On all, whom she ever admitted into her ministry, she bestowed her favours with so much caution and so little distinction, as to prevent any from getting the ascendant over her; whereby she remained mistress of her self, preserving their affections, and her own power and authority entire.’ Upon this maxim she always modelled her ministry; therefore, in 1568, she protected *Cecil* (afterwards lord *Burleigh*) even against her greatest personal favourite, the earl of *Leicester*, who with other lords had conspired his overthrow; and some years after, she as firmly supported *Leicester* against the artifices of *Cecil*. She sent the earl of *Leicester* in 1586, to assist the *Dutch* against the king of *Spain*. He was thereupon chosen governor of the United Provinces; but no sooner did the *States* complain of him, for abusing his great power, but this just queen recalled her favourite with disgrace. The person, whom she next honoured with the highest marks of her favour, was the earl of *Essex*; but when he began to affect a superiority over his fellow ministers, assuming more authority than his mistress intended for his share, she openly curbed his overweening ambition; turned him out of his employments; and called him to account for his conduct in them. This aspiring statesman hereupon entered into cabals against her measures, in order

order to force himself into place; his principal scheme for this purpose was, by contriving a rupture between the queen and the next heir to the crown; which proving abortive, he was at last constrained to undergo the just punishment of his traiterous conspiracies.

“ James the First succeeded this great queen; and though he was too weak to tread in her steps, yet he reaped many happy benefits from her just administration; which had created in the minds of the whole people such an habitual reverence for the throne, as all his bad policy could never quite extinguish. His was, in truth, the reign of Prime Ministers. Sir Robert Carr was the first; who, for some time, was forced to share in power with the wife *Cecil*, earl of *Salisbury*; and so long affairs were tolerably well conducted; but, upon *Cecil*'s death, Sir Robert took full possession of the king's favour's alone; receiving all packets, and dispatching answers, without the knowledge of the king or council; or, if the king did know, his love had hoarded up such a confidence in him, as he laid out all on that stock. He grasped at all employments; not caring whom he disoblige, or what malice he pulled upon himself; nor would he suffer any place at court, or dignity in state, to be bestowed, which was not sweetened with his smile, as giving it, or their bounty that enjoyed it.' So that by his many foul devices, and by his scandalous sale of offices, it was thought he engrossed a mass of coin, as if his soul intended to take her ease. This and his other miscarriages procured him such a number of underminers, that he stood upon a tottering foundation, having no support but the royal favour; which was, at last removed, by laying before the king his crying guilt.' The king consented to his trial, and many of his creatures were put to death for their share in his offences; but he himself, to the no small discredit of his master, was only confined to a mean, obscure retreat, in which he languished out his days, without that publick punishment, which he deserved. The next Prime Minister was the duke of *Buckingham*, who for many years was sole governor of all affairs, and enriched himself and all his relations with places, pensions, and grants from the crown; for which he soon after rewarded his bountiful master, in the manner, which may be expected from all such *favourites*. The king had set his heart upon a match between his son and the *Infanta* of *Spain*, which was justly odious to the whole nation; *Buckingham* therefore, who knew how universally he was detested, resolved to become popular at the expence of his master's honour, by opposing all his measures in this affair. He first proposed to the prince a journey

journey into *Spain*, which he afterwards forced the king to consent to; and this, (as lord *Clarendon* says) proved the means, whereby that designed marriage, which had been so many years in treaty, was solely broken; for, upon their return, the king found that the prince was totally *aliened* from all thoughts of, or inclination to the marriage; and that he, as well as the duke, was resolved to break it, without his approbation or consent.' The duke therefore, seconded by the countenance the prince gave him, engaged the parliament to address the king against the *Spanish* match, and to enter into a war with *Spain*. He likewise projected the ruin of the earl of *Middlesex*, then lord treasurer, and one of the king's most favoured ministers; which he accomplished, by procuring some leading men in the house of commons to carry up an impeachment against that lord to the house of peers; and there conducting matters so, as to get him to be condemned to a large fine, and long imprisonment. And now he knew the king would never forgive him; he therefore resolved to keep his power in spite of him; which he found no other means of effecting, but by fomenting a breach between the king and the prince, and engaging the son to head the opposition to his father's measures. The vexation this gave the old monarch, meeting with an aguish disposition in his blood, soon turned that into a violent fever, in which he died; not without strong suspicion of his being poisoned by a plaister, which *Buckingham* applied to his side. And this suspicion was the more confirmed, inasmuch as it was well known (as my lord *Clarendon* says) 'That when king *James* was informed what the duke had so confidently avowed in parliament, for which he had not authority, or the least direction from him, and a great part whereof himself knew to be false; and that he had advised an utter breach of the treaty; and to enter upon a war with *Spain*, he was infinitely offended. So that he wanted only a resolute and brisk counsellor to assist him in destroying the duke; and such an one he promised himself in the earl of *Bristol*, whom he expected every day.' No wonder then if this poor king did not long survive the earl of *Bristol*'s return to England.

"Charles the First, as the lord *Clarendon* says, 'came to the crown with as universal a joy in the people, as can be imagined. It was expected by those, who knew the great jealousy and indignation, that the prince had heretofore conceived against the duke of *Buckingham*, for having been once very near striking him, that he would now remember that infolence, of which he then so often complained. But instead of that, he placed his intire confidence in him, the most

‘ most that ever king had shewed to any subject. All pre-  
 ‘ ferments in the church and state were given by him ; all his  
 ‘ kindred and his friends were promoted to the degree in  
 ‘ honour, riches or offices, that he thought fit, and all his  
 ‘ enemies and enviers were discountenanced, as he appointed.  
 ‘ This soon wrought a visible change in the affections of the  
 ‘ nation towards their sovereign.’ The fruitless expeditions  
 abroad, and the oppressive methods of raising money at home,  
 joined to the innate hatred this nation bears to *Prime Ministers*,  
 raised a discontent against the government, which even this  
 man’s death (being by a private hand) could not appease.  
 Lord *Clarendon* says himself that ‘ the venom of his time en-  
 ‘ creased and got vigour, till from one licence to another it  
 ‘ proceeded, until the nation was corrupted to that monstrous  
 ‘ degree, that it grew satiated and weary of the government.’  
 Indeed the continuing the same measures, this Prime Minister  
 had set on foot, till the liberties of the nation were thought in  
 danger, and in the end the listening almost entirely to the  
 counsel of the earl of *Strafford* (who from a busy stickler for  
 liberty in one administration, was become the instrument of  
 arbitrary power in another) brought on that dismal scene of  
 confusion, in which the king was unhappily deprived of his  
 crown, liberty and life.

“ Thus I have given a short account of the reigns, from  
 the conquest down to the restoration, as to that single article  
 of Prime Ministers ; which I shall close with one remarkable  
 sentence of the historian, whose authority I have chiefly made  
 use of in the foregoing pages. ‘ The favourites of every  
 ‘ prince were always odious to the *English* people. Not only  
 ‘ self-love, envy, ambition, disgust and revenge do naturally  
 ‘ create an aversion to any *one* subject, who seems to engross  
 ‘ and appropriate to himself the common father of the people.  
 ‘ But the laudable affections, that prompt to impartiality,  
 ‘ tenderness to our prince, and love to our country, all con-  
 ‘ spire to make every indifferent person an enemy to the *one*  
 ‘ powerful fellow member, that commands over the head, and  
 ‘ usurps over the whole body.’

“ I shall conclude this short abstract of history with the  
 observation of as wise a politician, as ever *England* bred.  
 ‘ That there never yet was a Prime Minister in *Britain*, but  
 ‘ either broke his own neck, or his master’s, or both, unless he  
 ‘ saved his own by sacrificing his master’s.’

“ As the reader may perhaps be desirous to behold at one  
 view the divers casualties of the sundry Prime Ministers above-  
 mentioned, I have here subjoined a table of them.”

## PRIME MINISTERS.

|                                   |   |   |    |
|-----------------------------------|---|---|----|
| DIED by the halter                | — | — | 3  |
| Ditto by the axe                  | — | — | 10 |
| Ditto by <i>sturdy Beggars</i>    | — | — | 3  |
| Ditto untimely by private hands   | — | — | 2  |
| Ditto in imprisonment             | — | — | 4  |
| Ditto in exile                    | — | — | 4  |
| Ditto penitent                    | — | — | 1  |
| Saved by sacrificing their master | — | — | 4  |

Sum total of *Prime Ministers* to the restoration 31

## To the PRINTER.

S I R,

I NEVER observe without some concern the misapplication of great abilities, and I always regret when I am forced to form an unfavourable opinion of a man, of whom I have been long accustomed to think well. I have often read with pleasure the moral writings of the author of the *Rambler*, and had conceived an high esteem for his talents and for his character. I have therefore been sorry to find in the late political publications of Dr. Johnson, the most rancorous abuse of the popular party, and the strongest appearance of such violent and gross prejudices as are utterly unworthy of a philosophical and liberal mind; attended with a want of candor and of justice, that cannot be compensated by any harmony of periods, or by any elegance of language.

I was formerly unwilling to consider Dr. Johnson as a pensioner of the crown in any unfavourable sense; I was willing to suppose it possible that he might receive his pension as a reward for his past writings, and in consideration of his literary merit. But since the publication of his political writings, it is notorious to all the world, that he may be justly considered as a *pensioner* in the most odious sense of the word, and in perfect conformity to his own definition. And, in truth, few pensions have been given with greater effect. There are not many who can possibly suppose, that this nation is now in a happier situation than in the days of George the Second. But in the conception of Dr. Johnson, our affairs are now amazingly altered for the better. In the reign of our late monarch, he spoke with indignation of *hireling judges distorting the laws for gold*, and regretted that the time was past

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in which *senates heard before they judged a cause* &c. We were then, it seems, a *beggared land*, a *groaning nation*, and *oppressed with excise and hireling senators* †. He was then so moved with the wickedness and venality that prevailed in London, and especially among the courtiers, as to cry out :

- “ Here let those reign, whom *pensions* can incite
- “ To vote a patriot black, a courtier white ;
- “ Explain their country's dear-bought rights away,
- “ And plead for pyrates in the face of day ;
- “ With *starvish tenets* taint our poison'd youth,
- “ And lend a lye the confidence of truth.”

He was then so shocked at the iniquity and insolence of the great, the powerful, and the wealthy, as to exclaim :

- “ Has Heaven reserv'd, in pity to the poor,
- “ No pathless waste, or undiscover'd shore ;
- “ No secret island in the boundless main ?
- “ No peaceful desert yet *unclaim'd by Spain* ? †
- “ Quick let us rise, the happy seats explore,
- “ And bear oppression's insolence no more.”

Such were a few years ago the evils and calamities of this *groaning nation*, of this *beggared land* ! But, happily for us, and for Dr. Johnson, a pension of three hundred pounds a year, has entirely changed the scene. Though, in the opinion of people of plain understandings, even such as are the least influenced by the warmth of party, our public administration is in no respect preferable to that under the late King, and in the judgment of the generality is much worse ; yet the superiority of Dr. Johnson's genius, aided by so comfortable a pension, has discovered, that all our public complaints are without foundation, and all the murmurs of the people the effect of wickedness or folly. Surely such a sum was never better expended. It has not only made the learned dictionary-maker happy, but has conferred felicity on a whole nation !

We shall have the less reason to wonder at Dr. Johnson's entering into the pay of those who for some years past have had the direction of our public affairs, and at his engaging so warmly in their service, if we recollect his antient prejudices in favour of the Stuart family, and his well-known tory principles. No class of men more readily assimilate with our present governors, than those who were formerly

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\* See Johnson's *Vanity of Human Wishes*.

† Vid. London, a Poem.

‡ Falkland's Island, contemptuously as he now speaks of it, would probably at this time of the doctor's life, have been thought a desirable spot.

distinguished as the most bigotted Jacobites. Nor can we wonder at a defence of tyranny from a man, who has deplored the execution of Strafford as a murder, and who is the avowed panegyrist of archbishop Laud †.

The malignity which Dr. Johnson discovers whenever he speaks of those who have espoused the cause of the people, is remarkable. He terms them, "a despicable faction;"—"ruffians who would gain power by mischief and confusion;"—"bellowers of sedition;"—and "those who have fixed their hopes on public calamities, sat like vultures waiting for a day of carnage."—"Of this faction (says he) what evil may not be credited? They have hitherto shewn no virtue, and very little wit, beyond that mischievous cunning for which it is held by Hale that children may be hanged." And he crowns all by telling us, that they have not even the virtue of the devil \*. Can any man suppose, that Dr. Johnson really believes all this evil of the people who have engaged in opposition? If not, whatever opinion we may entertain of his head, what opinion must every honest man form of his heart?

Of the *Cits of London*, as he terms them, (of which number I confess myself to be though an inconsiderable one) this ministerial writer affects to speak with the most insolent contempt, as he does also of the freeholders of Middlesex. Speaking of *Junius*, in his late pamphlet on the Negotiation with Spain he says, "It is not by his liveliness of imagery, his pungency of periods, or his fertility of allusion, that he detains the *Cits of London*, and the *Bqrs of Middlesex*. Of style and sentiment they take no cognizance. They admire him for virtues like their own, for contempt of order, and violence of outrage, for rage of defamation, and audacity of falsehood." So that, according to this modest and candid writer, impudence, ignorance, and falsehood, are among the most remarkable characteristics of the citizens of London, and the Freeholders of Middlesex. And with equal politeness does this self-important author speak of "the feudal gabble" of the Earl of Chatham. As to the Freeholders of Middlesex, the Doctor has so violent an aversion to them, that he seems to think that it would be no great matter if a proper number of Balfs and Mac Quirks were employed to knock them all on the head. He does not expressly recommend this mode of annihilating them; but his words in the *False Alarm* are:

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† Vid. Johnson's Vanity of Human Wishes.

\* Thoughts on the late transactions respecting Falkland's Island, p. 71, 41, 70, &c.

“ Mr. Wilkes and the Freeholders of Middlesex might all sink into non-existence, without any other effect, than that there would be room made for a new rabble, and a new retailer of sedition and obscenity.”

Dr. Johnson's method of estimating the merit of Junius as a writer, is extremely curious; but as I have not room to quote it, I must refer the reader to it. It may not however be improper to attempt an estimate of the Doctor's own merit, in humble imitation of his style and manner.—Dr. Samuel Johnson, in his days of obscurity and indigence, when his primary complaint was the paucity of money, helped to fill up the sheets of a periodical pamphlet, which the public did not think proper to encourage †. He has also written two small poems, a romance that was censured as absurd, and a play that has been damned. But he was somewhat more announced to the world, by two or three volumes of essays, full of turgid language, and affected pomposity of style. He has been the compiler of an unweildy dictionary, in which plain terms are rendered obscure, and hard ones unintelligible. Nor must we forget his edition of Shakespeare, of which no man has spoken well, and of which therefore lampoon itself would scorn to speak evil ‡. He has also produced two political pamphlets, full of abuse and rancour, and of bombast and misrepresentation. He has besides written a life or two, not altogether unworthy of perusal. But, if we admit all this, and allow him nothing but his merit, what will be his praise §?

It may possibly be thought by Dr. Johnson's friends, that he has not had strict justice done him in the above account. But, should this be admitted, it must be at least confessed, that he has been treated with abundantly more candour and equity than he has shewn towards those who have engaged in the opposition. He has had the confidence to assert of the petitions which have been presented to the king, that they contained only “ the sense of the profligate and dissolute.” I can hardly suppose that there is an honest or sensible man in the kingdom, who does not believe this to be an infamous falsehood. What then must we think of the teacher of moral wisdom, who could possibly make such an assertion? I am indeed sorry that a man who might have been an object of national esteem, should degrade his character into that of a mi-

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† The Literary Magazine.

‡ Vid. False Alarm, p. 6.

§ Vid. Johnson's Character of Junius.



infernal hireling, and discover a degree of prejudice, rancour, and malignity, which the temptations of court-favour cannot excuse, nor the warmth of party justify.

J. T.

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*Mr. Whitworth's Speech in the House of Commons, against committing the Lord Mayor to the Tower.*

HE began with lamenting the unfortunate situation, which the house of commons was brought into by these ill-considered and ill-advised proceedings. He said, that it was the most important crisis which the house of commons had ever arrived at; that it was a dangerous contention, the people struggling for the laws of the land and their liberties at large, and the representatives of that same people, and from whom they derive their whole authority, contending for that assumed power of uncontrollable, unlimited, indefinite privilege and jurisdiction; a monster, thank God! unknown to exist in this constitution.

' This is the contention, continued he, this is that dangerous system of power that will forebode the dire destruction of this country; the commons fighting on the one hand their privileges, and the people, the law of the land on the other. The house that is at war against itself can never stand. Picture this struggling scene of contention but as the prelude of a too serious tragedy, and then paint the horrors of a civil war at home, intermingled with a foreign contest. These proceedings must produce neither credit nor dignity to the house. To retreat, say the administration, is disgraceful; and it will be allowed by all moderate men, to hasten forward to destruction.

' The lord mayor (pursues this spirited gentleman) appears here, not as a criminal surely in the law, but as the bold assertor of the liberties and rights of his fellow-citizens, claimed under the charter and law of the land, armed and entrenched in the defence of the law. I shall take the question upon the great basis of the rights of the people at large, which is trying the extent of your privilege against the laws of the land. This is a dangerous trial between the representative and the people, fraught with every dreadful system, tending (perhaps you may say) to the overthrow of the very house of commons itself, and not leaving it even the shadow of authority. This contest has for ever by our ancestors been wisely avoided; but the present desperate set of ministers run headlong at destruction,

' You

‘ You claim privilege, because it is an unconfined, unlimited, unknown exercise of power; and assert, that it wants no law to confirm it, or to try it. Let me ask you, how you came to confirm and strengthen the greatest privilege you ever had, and founded upon the most antient usage of it; a privilege which no man ever doubted, none of the people ever contested; I say, to confirm that by act of parliament which you last year did by a *saving clause to the person of the member*; I mean, in the last act for taking away the privilege of the servants of members for arrest of debt, and to allow all other suits and actions to be commenced against any member or his servants, *saving that nothing in that act contained should extend to the person of a member, but that he should be protected from such arrest?* Why did the house give up this, if, as they say, it was matter of privilege? Where was the necessity of confirming it by an act of parliament? Why not, if your privileges were lawful, claim it upon the ground of privilege alone, and refuse the assistance of legislative authority, as not wanting the confirmation of an act of parliament? For my own part, I am utterly against our having any privilege at all, but what is given us by the three estates, the legislative body, an authority from which we ought to derive our privilege alone, and which alone are sufficient to give it us. I hesitate not to say, that we are not a criminal court of judicature. There are other courts for these purposes; they are the courts of the people, appointed as it were for their tribunal.

‘ It may be said, that the house of commons cannot exist, and that it cannot go on with business, unless it can punish for contempt; or unless it has the first power here claimed, of sending for persons, papers, and records: you may perhaps say, it would be absurd to imagine we had a power of sending for persons to carry on the business of the house, and no power to compel their attendance. To this latter I answer, the courts below might compel; but the whole matter of privilege I would wish to see confirmed upon the noble basis of an act of parliament. Why not apply to the legislative power, the king, lords, and commons, for power to send for persons, papers, and records? and whatever other power you want, put it into the bill; they will readily give it you. As often as you want fresh powers, so often apply to the three estates. Whatever powers are consistent with the constitution, and necessary to construct and form a legal house of commons, vested with proper authority, they will not refuse to give you. These powers will then be your *true* privileges; the people will then never contest against them; they will  
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with pleasure obey you, vested with such lawful authority. Commons of England, give up your assumed privileges into the hands of those for whose good you hold them, and from whose hands you ought alone to have received them at first. I say, give them up boldly, and receive them back again stamped with the dye of triple authority. Commons, no more contend against yourselves; your privileges are undefined, unascertained, and unlimited.'

Here Mr. Whitworth happened to turn from the chair, and addressed himself to the house, which is disorderly, and repeated a phrase of Latin, *Misera est servitus ubi jus est aut vagum aut incognitum*. Upon which the house and the speaker cried out, *Chair! Chair!* He then addressed himself to the *Chair!* and said, in very good humour, that had he presumed to talk Latin to the *Chair*, he should have thought himself disorderly. This set the house in a laugh.

He then proceeded and said, that what the house had done with regard to erasing out the minute of the recognizance of William Witham, entered in the lord-mayor's clerk's book, and the ordering an entry to be made therein that no further proceedings should be had or carried on relative to that prosecution, were two acts of the house, "which, says he, I think are the most extraordinary I ever knew, viz. *to stop the course of legal justice, and the proceedings in a court of law.*"

He continued, That what they had done was totally ineffectual to the purpose intended; for, instead of putting an end to the proceedings, resumed he, "I do and can assure the house, from good authority, that the recognizance will be returned into court; the magistrate is bound by his oath so to do; and if he should not do his duty, an information will lie against him in the court of King's Bench, and the prosecutor for the assault will have his action against him, if he does not return it. Then I would advise you to give, at least, a caution to your messenger William Witham. He will be taken up, brought before the court, and committed. Where is your authority then? It will be at the sessions or assizes, when perhaps the house will not be sitting. If he does not conform to law, he will be outlawed; *you and your privilege will be outlawed*; and the contempt will be thrown back upon us: And I dare say that court will also, in return, order the entry you made in the lord-mayor's clerk's book, to be erased out, *as the proceedings of this house*. So, and in such kind, will the law return you like for like. This will be a fine contest! Where will be the dignity of your proceedings, and the honour of this house? They will both be in limbo. Then, commons, exert your authority: go  
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and keep up your privilege from being held in contempt. Make out a summons for Wheble, for Thompson, for Miller, and Evans; then see what force your warrant to apprehend will have: You will find as easily another magistrate to commit; and so *toties quoties* this will be the case. The law of the land will find, as the hydra does heads, fresh support; and, I trust in God, the people are strong enough, with the law of the land on their side, to withstand any arbitrary strides of privilege made into their rights.

“As to the proclamation, there never was so absurd and unlawful an instrument; not even stating the crime, or any one requisite to make it in the least legal. For where (as in the privilege of the house of commons) law is not, there can be no offence against law. Now I will consider the erasing of the record in the minute-book of the lord-mayor, by order of the house, as an act of the most dangerous kind, and, as I said, totally ineffectual to their intended purpose; for the recognizance will still be returned by that worthy magistrate: He has acted according to his oath and his conscience; and I trust, that, *as an honest man is the noblest work of God*, by doing that which, according to his judgment, is agreeable to law, he will always preserve that character. As to the defect of the warrant, I shall not dwell upon that, though J. Miller singly is not sufficiently descriptive of the person; so that another man is as liable to be taken up as J. Miller. Are these proceedings likely to put a stop to the printing of your debates, the offence complained of? No, they still continue to do that which you are offended at, and by such proceedings as these you will always provoke them to do it. The honourable gentleman who brought the house this occasion to discuss their privileges, formerly brought to your bar a milkman for passing up against a post in the street the speech of Oliver Cromwell. I wish these proceedings may not produce you another Oliver Cromwell, a copy of the last.

“An honourable and learned gentleman, the other night, asked how the magistrates would treat the tipstaff of the King’s-Bench? Would they commit him? I answer him, that a complaint of any person so arrested was never yet made; that when it shall be made, I dare say they will, as by their charter, and the law of the land, they may now think themselves fully authorised. A blot is no blot till it is hit; and when it is so, it stains deep.

“An honourable member on the bench opposite me asked, How, if you have no power to punish for contempt, are you to impeach a minister? I answer; by an address to the crown, who will order him, as a servant of the crown, to be brought

to your bar. But if the honourable gentleman will bring the fact, I will take care to bring the form.

“ I have now partly done, and shall only express to the house my great concern for the continual distress that attends this country. It seems decreed by fate to be subject to nothing but distress and grief; and as I might have been disorderly in not turning myself to the *Chair* when I spoke a sentence of Latin, I will conclude and compliment the *Chair* with Greek :

Θ Ποποι, ἡ μεγα πρὸς Αἰσαναδα γαῖαν ἱκανῶς.

I therefore put in my hearty dissent to this question.”

### For the POLITICAL REGISTER.

*Free Thoughts on the Subject of the late Dispute between the House of Commons and the City of London.*

**T**HAT the representatives of the people of England have formerly claimed, and exerted, a power of punishing what they called contempt, and breach of privilege, by fines and imprisonment, has not been, and cannot be denied.

That some measure of power is absolutely necessary to the existence of every court; and that it is to the highest excess preposterous to refuse to that supreme assembly what is allowed to the lowest court of record, to every justice of the peace, in the kingdom, seems also a plausible position.

The only points, in this case, upon which reasonable men can entertain various opinions, are—Whether the indefinite powers assumed by the House of Commons are not exorbitant, and of dangerous tendency: Whether an abuse of authority by that house would not produce a necessity of resistance, on the side of the people: and, Whether their late proceedings, in respect to the printers, are of such an oppressive and tyrannical nature as to justify the resistance that has been made?

To the two first of these questions, I am not lukewarm enough to give the common cautious answer, viz. that those are subjects of difficult, and delicate discussion; that they can hardly be pried into without a degree of impiety; in short, that they had better be let alone. I will say with freedom, that the discretionary powers of that assembly are, in fact, very great; that they have formerly been abused upon former occasions, and may be abused again; that it is even easy to suppose this abuse carried so far as to justify, and call for, a noble and manly resistance on the part of the people at large. But I must add, and I think every dispassionate man will be candid enough to acknowledge with me, that such resistance

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can only be excused by the most urgent necessity; that it is a violent remedy, which can never, with propriety, be applied but in desperate cases, where every other method of cure has been tried without effect.

The question, then, comes to this short and simple issue; "Have the House of Commons, in their attempt to animadvert upon the printers, for publishing their speeches, made an unconstitutional encroachment upon the liberty of the subject? or, have the printers, and their supporters, made an unjustifiable and causeless attack upon the privilege of parliament?"

The House of Commons appear to me to have been essentially to blame in this case; not in endeavouring to put a stop to the publication of their speeches, but in allowing a nuisance so glaring and so intolerable, to prevail for such a length of time with impunity.

Freedom of speech in parliament is the bulwark of liberty, and one of the principal supports of our excellent constitution. But, if every word that drops from a member in the heat of debate, is to be published to the world; if he is to be exposed to the resentment of a tyrant king, or the fury of a misguided rabble, for having said, perhaps, what his conscience, or the interest of his country dictated, there will not remain the shadow of a free parliament. Shall a man, which is still more intolerable, have speeches put in his mouth which he never uttered, and sentiments imputed to him which he never entertained? Shall a paltry scribbler brand him as the betrayer of his country to-day, or as a traitor to his sovereign to-morrow, because it may suit the humour of the times, or the purpose of a bookseller, to have him thought so? and shall we still be said to have a free parliament? So unconstitutional in its nature, so baneful in its consequences does this practice appear to me, that the man who gives his support to it, might, with equal propriety, give his voice for the entire abolition of parliaments at once.

If what has been said be insufficient, it is easy to suggest other pernicious consequences of this practice. The man who knows that his harangue is to fly through this metropolis on the wings of every political compilation of the hour, will be often induced to address himself, not to the Speaker of the House of Commons, not to the great assembly of the nation, but to the galleries, to the emissaries planted there by every vender of sedition, every retailer of defamation; he will consider himself as speaking, ultimately, to every plebeian sot that is able to spell and misinterpret a sentence in a news-paper.—'Tis from this cause that every national ques-

tion is disgraced with an opposition, not proceeding from a difference of opinion, not raised by a concern for public advantage, but meant to catch the transient blast of popularity, and thus to arrogate an importance otherwise totally unmerited. To this cause alone we must attribute an opposition, whose leaders substitute the cant of patriotism to an expression of heart-felt love of their country, and fill the walls of that house with foul-mouthed insolence and unmeaning scurrility, which they are willing to impose upon their fellow-citizens as the generous warmth of sincerity, and the manly boldness of truth.

It were unnecessary to mention the danger that frequently attends the divulgence of the national councils, or to adduce other reasons against this odious practice. A moment's reflection upon the subject seems sufficient to leave conviction upon the mind of every man that enjoys the use of reason.—In a word, were we to search the whole annals of parliament, I question if we could find an instance in which it would have been more absurd, or more dangerous, to have opposed the House of Commons, than upon this occasion.

The boasted patriotism therefore of those heroes of the day, is no better than rebellion; and the magistrates of London have not only heaped unprovoked insults upon men who have endeavoured to do their duty, but have made an unprecedented and treasonable attack upon one of the most sacred branches of our sacred constitution.

Their conduct is not acquitted by general declamations on the venality of parliament, and the perils that threaten our liberties, from that quarter. The tremendous extent of corruption, and the want of independence in our representatives, are too publicly known, and too generally felt to be denied. But what shall we say of that man who shall assault, or perhaps murder, a traveller, that rides quietly along the King's highway, upon pretence that he does not certainly know whether that traveller may not, upon some future occasion, take it into his head to break into his inclosure?

The three branches of the legislature are to be considered as the columns that support the venerable structure of our government; and if any one of those columns is increased or diminished in height, the level, upon which depends the stability of the edifice, will, with equal certainty, be destroyed. Cromwell did not give a more fatal wound to the constitution of England when he struck off the head of his sovereign at Whitehall, than when he forcibly drove the Commons from their seats at Westminster. Nor would King George the Third more deeply injure the rights of his subjects, were he

to endeavour, by force of arms, to introduce martial law in place of a trial by juries, than the printers and their abettors have done by their insolent and unjustifiable encroachment upon the freedom of speech, that has been ever enjoyed by the representatives of the people.

The fabrick of the British constitution, as it now stands, is confessedly the noblest pile that ever was reared by human wisdom. The speculative foreigner loads it with applause, while the slave, who gets a glimpse of our happy isle, from amid the gloom of despotism, feels, from the comparison, his chains weigh doubly on his limbs, and sinks down in despair. What execrations ought we to bestow upon a faction, determined, because desperate, who scruple not to sap the foundations of this mighty work, in hopes that the Minister, whose place they wish to occupy, may be involved in the universal ruin? Haply the least abandoned of that faction, who may have been misled by the sophistry of their principals, or blinded by the enthusiasm of party, may, for a moment, hold back their sacrilegious hands, when warned by the voice of an unprejudiced spectator; when convinced by cool reason, that their blows are aimed immediately at the pillars of the state, and that the next stroke may, perhaps, bring to the ground the glorious structure which has been raised by the labour of ages, and which has continued so long the object of the admiration of the universe.

*The SPEECH delivered by Mr. SAWBRIDGE, on shortening  
the Duration of PARLIAMENT.*

*Mr. Speaker,*

I HAVE long waited in hopes of seeing a more able person undertake to move the question, which I am now going to propose; but, finding myself disappointed, I am determined to do all the justice in my power to so important a subject. And, not to detain you with a tedious exordium, the subject is the Duration of Parliament, of which the people universally complain. Long parliaments were always deemed innovations of the constitution, and, notwithstanding the preamble of the septennial act, it was thought a heavy grievance by the nation. Nor is this circumstance wonderful. Frequent, or annual parliaments, were declared fundamental in the reigns of Edward the Third, and Charles the Second; and by the bill of rights, which, one would have thought, no parliament had a right to reverse, any more than magna charta,



charts, they are not to be discontinued above three years. Formerly this precaution was extremely necessary; because the standing revenue of the crown enabled it to manage the government without their assistance; and if they never met, grievances would never be redressed. The crown, depending on the annual grants of parliament, is ready enough to call us together, and, instead of dissolving us at the end of the year, would wish to see us assembled for twenty years. Hence the complaints of the people run now in a quite different channel. They do not, as formerly, exclaim that parliaments are not held, but that they are held too long. And why do they exclaim? Because they find that parliaments become more and more expensive the more their duration is lengthened. The reason is evident. As matters now stand, a seat in parliament may be considered as an annuity determinable at the end of a certain number of years. Now a grant determinable in three years is not so valuable as the same extended to seven. Therefore, by a parity of reasoning, a seat for seven years is preferable to a seat for three, in the proportion of seven to three; and septennial parliaments must in expence to the people bear the same ratio to triennial parliaments. It was imagined that the act against bribery and corruption would render the constituents upright and honest in their choice. But some late examples shew that this notion was ill-founded, or at least that it will not hold in all cases. Since then neither duty, nor the solemnities of religion, will prevent corruption in the constituents, how can we expect a higher strain of virtue in the representatives, who are only bound by the former of these ties? It is a melancholy, but true position, that the elected are at least as corrupt as the electors. With the former the evil begins. *Hinc mihi prima mala labas.*—What is the remedy? Short parliaments.

The ostensible reason for passing the septennial bill was the danger, to which a triennial parliament might expose the Hanoverian succession. The excuse is not very honourable for the reigning family. It is no feather in its cap that it was supported by a sacrifice of the ancient constitution. But let us suppose a thing not very probable; let us suppose that the people were so perverse as to render this measure necessary for their good; yet still the septennial act ought to be repealed, because that reason no longer exists. The people throughout the whole empire are sufficiently attached to the house of Hanover. If they were not, I am sure some late transactions would have been attended with dreadful consequences. Happily for us all their love to the sovereign exceeded their hatred to his ministers; and we are still in a state of tranquility. It

is our business, by taking every just precaution, to secure the continuance of so much felicity. But how is this to be effected? by undoing a desperate expedient, to which our ancestors had recourse in the precipitation of fear, and which if not timely remedied, may prove destructive to the object that it was intended to secure.

I have shewn that the people have a right to frequent new parliaments by ancient usage; and that this usage has been confirmed by several laws, progressively enacted, as occasion required. Till the reign of Henry the Eighth parliaments were annual, and never more than triennial. In order to satisfy his lust and arbitrary will, this brutal tyrant trampled on the laws of God and man, and introduced the practice of long parliaments, as he knew they would always prove subservient to his passions. Charles the First neglected to call frequent parliaments, and this wrought up the people to such a degree of fury, that they saw without jealousy the commons assume an independent authority, which subverted the constitution, and brought the king to a tragical end. Charles the Second called a parliament, which, like a body of mercenaries, he kept in pay, till the source of corruption being dried up, determined them to turn against him, and to court their constituents: an act of treachery, which produced their dissolution. Human nature is so frail, or so corrupt, that obligations, unless they are frequently renewed, lose their force. Hence in the course of seven years representatives forget their constituents: and long parliaments naturally become independent of the people. What is the consequence? They become dependent on the crown, whose influencing power is by the vast increase of places become almost irresistible. I own, indeed, that there is some provision made against known placemen. But where is there any security against secret placemen and pensioners, against the reptiles who creep up the back-stairs, and come down with a bag of guineas ready to burst? In these cases, the laws are by no means effectual, and therefore the people have no other remedy but a new election.

Nor is this the only advantage of short parliaments. Long parliaments are a hardship upon those gentlemen, who ought in reason to take their turn as representatives, as well as upon those, whose fortunes may not be equal to the expence of seven years, but might be equal to that of three or one; and who, without any selfish views, might be inclined to carry on a plan of public utility. Frequent parliaments will give us weight abroad, as the sense of the people will thus be infinitely better known than it can be according to the present  
scheme,

scheme, when many suspect our determinations to be diametrically opposite to the sentiments of the whole empire. But long parliaments will give a minister an opportunity of feeling their pulses, and of wheedling them with their prescriptions. He will find out the proper pills, or baits, which they are ready to swallow, whether they be places, or pensions, or bribes, or titles, or strings. Hence they grow more and more corrupt the farther they run from their source.

It is idle to say that triennial will prove more expensive than septennial. From whence did bribery spring? Not from country gentlemen. They are sure of being chosen without any such scandalous practice. This evil sprung from ministers, who dare not trust the natural representation of the people, and therefore thrust into parliament their vile creatures and dependants. Country gentlemen, having no sinister views, make but weak struggles, especially against direct bribery; and the distance of a fresh struggle is so great, that they grow cool and faint, and at last despair of doing any good; and despair produces indolence, a fit disposition for slavery. Ministers know this lethargy to be their harvest, and will not by frequent elections wake the spirit of liberty, which is only to be kept alive by constant action. Constant action will alone raise that zeal and indignation, which will overpower the undue influence, by which ministerial dependants, unknown to the electors, are enabled to supplant men of character and fortune in their neighbourhood. Hence a corrupt familiarity subsists between the minister and boroughs; he keeps a register of them in his pocket; he sends down his treasury mandates, and procures spurious representatives.

Because I contend for the revival of this part of our ancient constitution, you must not imagine that I mean to re-establish the whole. No, Sir; we ought to select what is good, and reject what is bad. The question is not about the general nature of our constitution, but about this particular point, whether the ancient manner of electing representatives is not preferable to the modern. And from the very nature of parliaments nothing can be more evident: for he that may be thought a proper representative this year may not be so the next; and therefore a new choice is necessary.

It is ridiculous to say that prorogations are equivalent to annual dissolutions, and every session tantamount to a new parliament. Prorogations are of late invention, and flow from a corrupt source. Nor does the suspension of parliament differ from its long continuance in its consequences to the people, of whose complaints and grievances representatives may

may thus become regardless, and be themselves the greatest grievance. To say that parliaments ought to be septennial, in order to prevent the frequent return of riots at elections, is very absurd; because, if this position was just, we ought for the same reason to render them perpetual; and then we should have no riots at all at elections. And the same arguments will hold, if you pretend that they are necessary for supporting our credit among foreigners.

Nor will a good king, or good ministry, be injured by short parliaments. Triennial, or even annual parliaments, will be as ready as septennial to support good measures; and if a triennial or annual parliament trespass, the people will have it sooner in their power to procure justice. It matters little whether this plan would produce many changes in administration. A good parliament will always make good ministers. His majesty's government could never be distressed, if he would have his government approved by the people, and if he would not, he would certainly be a very unfit person to govern.

To say that the people cannot be trusted, is to say that they cannot manage their own concerns. To refuse short parliaments may create, but can never prevent, discontents. Before septennial parliaments existed, did the canvassing begin two or three years before the election? No, for it is natural to contend more eagerly for a septennial than for a triennial post of honour or profit. Then those who had no natural interest, saw no sufficient temptation to employ bribery. When bribery was not used, every elector voted according to his natural bias and inclination: and now, that bribes have actually taken place, whoever buys, must come up to the elector's price, which will be proportioned to his honour, circumstances, and natural bias. A hundred or a thousand pounds would purchase him who would spurn at half of that sum. In this light let us examine triennial and septennial parliaments. Suppose that a placeman or merchant of London, the postage of whose letters amounts to 500*l.* per annum, finds that it will cost him 3000*l.* to overpower the natural interest of a country gentleman; for three years he would decline the expence, and not for seven; and he that will buy will sell: he that comes in by corruption, will seldom walk out with clean hands.

Let it not be imagined, that the voices of electors are sold by the duration of parliament. A man will not in triennial parliaments sell for 50*l.* what in septennial he would not give under a hundred. Few think of futurity: the present temptation has the only weight; as they cannot be sure of another, and fifty in hand, with the uncertain hope of fifty more in prospect, is not surely so great a temptation as a hundred

down upon the nail. Natural interest and honour are the opponents, with which corrupters have to contend; and a small bribe is never so powerful as a great one. Some may yield to a small one; but the greater it is, the more it will yield. In septennial parliaments a man may afford more; more will therefore be corrupted. Nor is this all. More may depend upon being corrupted; and the greater the dependance, the more general the practice. The only method of prevention is to render the practice impossible; there is no possibility of corrupting, but by coming up to men's price; and this can only be done by rendering elections so frequent as to exhaust any corrupter.

Were elections annual, the annual savings of a pensioner would not buy the interest of country gentlemen, and the honesty of electors. Now it is well known that country gentlemen are the best support of the constitution, as they know the wants and grievances of their constituents. What then is more desirable than triennial parliaments, which will necessarily bring them into the house? Entertainments, however extravagant, will never over-balance their natural interest. Absolute bribery, and bribery of a high nature, is necessary. All those, therefore, who would have their posterity sit in parliament by natural interest, must vote for this motion. If this be not done, they will be overpowered with their own money. The commons formerly refused subsidies, till they had consulted their constituents. What more proper for this laudable purpose, than short parliaments, composed of country gentlemen? The crown seldom gives for a long term what it can give for a short space of time: we should imitate the example. For these and various other reasons which will occur to every man, I move for leave to bring in a bill for the repeal of the septennial act, and for shortening the duration of parliament.

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*The Earl of Chatham's Speech, when he made a Motion for the  
Dissolution of the present Parliament.*

My Lords,

**I**T is not many years since this nation was the envy and terror of its neighbours. Alone and unassisted it seemed to balance the half of Europe. Nor was the aspect of its affairs abroad more flattering than at home. Concord and unanimity prevailed throughout the whole extent of the British empire. Whatever heats and animosities might subsist between the grandees, the body of the people was satisfied. No complaints, no murmurs were heard. No petitions, much less remonstrances, for redress of grievances, were carried up to the throne; nor were hired mobs necessary to keep the foreign

vercign in countenance by their venal shouts. Nothing was heard on every side but one general burst of acclamation and joy. But how is the prospect darkened ! How are the mighty fallen ! On public days the royal ears are saluted with hisses and hoots ; and he sees libels against his person and government written with impunity ; juries solemnly acquitting the publishers. What greater mortification can befall a monarch ! Yet this sacrifice he makes to his Ministers. To their false steps, not to his own, he owes his disgrace. By their intrigues the last inglorious peace, the origin of our evils, was effected, and approved by Parliament, though it was loudly condemned by the Nation. By their intrigues the last shameful convention received the same sanction. Werè this sacrifice of our honour and interest abroad compensated by the wisdom of our domestic government, it would be some comfort. But the fact is, that Great Britain, Ireland, and America, are equally dissatisfied, and have reason to be dissatisfied, with the Ministry. The impolitic taxes laid upon America, and the system of violence there adopted, have unfortunately soured the minds of the people, and rendered them disaffected to the present Parliament, if not to the King. Ireland has various reasons to complain. An enumeration of them would be tedious. You may judge of their number and magnitude by the present flame. The measures taken to carry the Middlesex Election in favour of the Court, the decision of that election, the murders in St. George's Fields, the refusal of the Commons to enquire into these murders, and into the conduct of those who advised his Majesty to bestow thanks and rewards upon the persons immediately concerned ; the payment of the immense debt contracted by the Crown, without inspecting any account ; all these circumstances had justly alarmed the nation, and made them uncommonly attentive to the operations of Parliament. Hence the publication of the Parliamentary Debates. And where was the injury, if the members acted upon honest principles ? For a public Assembly to be afraid of having their deliberations published, is monstrous, and speaks for itself. No mortal can construe such a procedure to their advantage : It, and the practice of locking the doors, are sufficient to open the eyes of the blind ; they must see that all is not well within. Not satisfied, however, with shutting their doors, the Commons would overturn the liberty of the press. The printers had spirit, and resisted. The irritated Commons exerted their privilege above the laws of the land, and their servants acted illegally in the execution of their illegal orders. The magistrates of London undertook the cause of the printers, and the protection of the laws, and of the city's franchises. The Commons still pro-

ceeded with the same outrageous violence. They called upon the magistrates to justify their conduct, and would not suffer them to be heard by counsel. These men, who had allowed the prostitute electors of Shoreham counsel to defend a bargain to sell their borough by auction, would not grant the same indulgence to the Lord Mayor of London, pleading for the laws of England, and the conscientious discharge of their duty. Accordingly they committed him to the Tower for not violating his oath. The most sacred obligation of morality and religion they voted criminal, when it happened to stand in competition with their assumed privileges.—Their next step was the act of a mob, and not of a Parliament—I mean the recognizance entered at Guildhall. We have heard of such violence committed by the French king; and it seems much better calculated for the latitude of Paris than of London. The people of this kingdom will never submit to such bare-faced tyranny. They must see that it is time to rouse, when their own creatures dare to assume a power of stopping prosecutions by their vote, and consequently of resolving the law of the land into their will and pleasure. The imprudence, and indeed the absolute madness of these measures demonstrates that they are not the result of that Assembly's calm, unbiassed deliberations, but the dictates of weak, uninformed ministers, influenced by those who mislead the Sovereign. It is impossible that a grave, and once venerable body of men, if left to itself, should have converted government into a scuffle with a single individual. Were the Commons not absolute slaves to the man who holds the golden keys of the Treasury, they could never have rendered the very name of Parliament ridiculous, by carrying on a constant war against Mr. Wilkes. To them it is entirely owing that he is become a person of consequence in the state. They first made him Representative for Middlesex and then Alderman of London. Now they seem determined to make him Sheriff, and, in due course, Lord-Mayor. When he set their authority at defiance, in the case of the printers, they repeatedly declared him amenable to their jurisdiction, and actually served him with more than one order to attend. Upon being found refractory, they shamefully gave up the point; after punishing the Chief Magistrate of the City, they suffered him to escape with impunity, and, in the face of the world, acknowledged him to be their Lord and Master.

Matters being thus circumstanced, the Commons being both odious and contemptible, there remains but one possible remedy for the evil. In order to save the name and institution of Parliament from ruin, the Commons must, according to the earnest request of a majority of the electors of England,

and

and the wish of almost all the nation, be dissolved. This step may restore good humour and tranquillity on the one hand, and good government on the other. Not that I imagine this act alone sufficient. No; I have no such sanguine expectation; I suspect it will prove but a temporary and partial remedy. The influence of the Crown is become so enormous, that some stronger bulwark must be erected for the defence of the constitution. The act for constituting septennial Parliaments must be repealed. Formerly the inconveniences attending short Parliaments had great weight with me; but now we are not debating upon a question of convenience: our all is at stake: our whole constitution is giving way; and therefore, with the most deliberate and solemn conviction, I declare myself a convert to triennial Parliaments. Influenced by all these considerations I move your Lordships to address his Majesty to dissolve the present Parliament, as soon as the business of the session is concluded.

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*Remarks on a Speech, (see p. 357.) delivered on Wednesday the 8th inst.*

WHEN the prince ascends his throne to give his sanction to the laws, or address his people, great care should be taken to preserve the purity of truth, and the dignity of his character. The people have an inherent right to judge of every act of government; and when immediately addressed by the king, the very nature of *this* political act demonstrates the right of a free discussion of it. His majesty's ministers, in the speeches they have advised him to deliver, have consulted little else but palliations of their own crimes, and base insinuations against the people. They have infamously suggested to his majesty, that every complaint of the subject is the voice of sedition; and that the just resentment conceived against *themselves*, is aimed at him. How far the minister has preserved the purity of truth in the late speech, must be left to the people to determine; but how far his majesty sustained his dignity of character, we may learn from the clandestine manner in which his pusillanimous ministers conveyed him to his throne, in order to save him from the most insulting mortification which he might have endured. The exigence of his majesty's affairs may perhaps, one time or other, call for his presence in a more arduous situation, than the pacific parade of lolling in a state coach, or proroguing the parliament.

What satisfaction his majesty has obtained from the court of Spain, for the injuries he has received, is yet a secret to his people, who are forward to imagine, that the whole negotiation with that court has been little more than a base submission to Spain, and a notorious resignation of all national honour



honour on the side of Britain. And they regard the zeal which his *faithful commons* have exerted, as being much stronger evidence of their *affectionate attachment to his majesty*, than any regard for the true interest of the people. If this zeal be the support upon which the king will *always rely for the defence of his honour, and the security of the rights of his people*, I will be bold to declare, that the people like not the security, and seem determined to trust but little to that support, upon which his majesty dares to risque his *all*. Indeed, were his *faithful commons* the faithful representatives of the people, his subjects would be as ready as his majesty, perhaps more so, to place their confidence on the same foundation. But when they consider that their rights have been invaded, their liberties infringed, by those to whose hands they have committed the preservation of them; when they see law and justice sacrificed, privilege of parliament this day wantonly surrendered by a vote, to-morrow despotically extended, in open violation of law and the constitution, they think it necessary to withdraw their confidence where they have no security, and tremble for their liberties when they see them in such hands. With real sorrow do the people behold their king so misguided and deluded, as to rest his *honour* upon the baseless security of open violence, and arbitrary attacks upon the people and their liberties; and the deepest concern seizes them, when they see such measures misconstrued so far, as to be not only deemed, but *openly declared to be zeal and affectionate attachment towards the king*. If the king relies on such support for the defence of his *honour*, the people will soon depend upon some other for *their security*.

His majesty exhorts his *faithful commons* to employ their best endeavours to render the national happiness compleat, by discouraging and suppressing all groundless suspicion and domestic disturbances. For God's sake, lord North, talk not of compleating the national happiness, when we are well nigh involved in confusion, arising from mal-administration and popular resentment; talk not of *finishing* the edifice before you have laid the corner stone. The suspicions of the people are not groundless; the disturbances, indeed, which his majesty speaks of, may be, and I believe really are, of a domestic nature.

His majesty absolutely asserts, and wisely remarks, that he has no other object, and can have no other interest, than to reign in the hearts of a free and happy people; and expresses his earnest wish, that his subjects may not be prevented by any mistakes or animosities among themselves, from enjoying, in the fullest extent, the blessings of a mild and legal government. If such be his majesty's real principles and wishes, this consideration, with the degree of public affection which his majesty possesses, are the strongest motives

motives conceivable for discharging his present ministers, and dissolving the present parliament.

It seems to be in his power to obviate the *mistakes*, and prevent the *animosities* of his subjects, which will never be done, till they think themselves in the enjoyment of the blessings of a mild and legal government. They are not prevented by any mistakes, but the evil counsels and pernicious system our ministers have adopted and pursue; and what the minister files *animosities*, are honest struggles of the people for their liberty, which they see daily invaded. And when this is the case, to counsel the prince to hold such language to his people, is highly injurious to the one, and a treasonable insult upon the other. The people, have made the constitution the standard by which they have tried principles, professions, and governors too; and regard those as their most dangerous enemies, who, under any pretence whatsoever, would violate the laws, or undermine the constitutional authority, which was provided for the purpose of preserving the general liberty and happiness. On this very principle, and by this rule, do the people judge, and on this they found their complaints against our ministry. The people do not, with the minister, regard the *regal authority* as the preserving power of the constitution; no, they regard the *authority of the laws*, as the only constitutional security; and they think and know, that a strict adherence to, and upright administration of the laws, are the only methods of preserving the general liberty and happiness. And by the very same rule of judgment which his majesty has adopted, his honest subjects regard his faithful commons as their most dangerous enemies, who have not so much persuaded the king to violate the laws, as they have done it themselves, by undermining the very foundations of the constitution, while the sacred deposit of freedom is lodged, and still continued in their hands.

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## POLITICAL INTELLIGENCE.

Wednesday, THIS Day his Majesty was pleased to make the May 8. following most gracious Speech to both Houses of Parliament.

*My Lords and Gentlemen,*

AS the state of public business no longer requires your attendance, I think it right, at this season of the year, to put an end to the present Session of Parliament.

The satisfaction I have obtained from his Catholic Majesty for the injury I had received, together with the proofs which the courts of France and Spain have given me, by laying aside their armaments, of their sincere disposition to preserve the general tranquility of Europe, have enabled me to reduce my forces by sea and land. The zeal with which you have exerted yourselves, upon the apprehension of a rupture with

Spain, must convince the world of your affectionate attachment to me, and of your constant regard for the true interests of your country. On that support I shall always rely for the defence of my honour, and for the security of the rights of my people.

- With regard to the troubles which still agitate some parts of the continent, my endeavours have never been wanting to bring them to an end; and in those endeavours, you may be assured, I shall persevere.

*Gentlemen of the House of Commons,*

It was with real concern that I found myself called upon, by the situation of public affairs, to ask of my faithful Commons more than ordinary supplies for the service of the current year; and I cannot sufficiently thank you for the unanimity, cheerfulness, and public spirit, with which they have been granted.

*My Lords and Gentlemen,*

While we acknowledge the goodness of Divine Providence in preserving us from those calamities with which some parts of Europe have been afflicted, let me exhort you to employ your best endeavours, in your several stations and countries, to render the national happiness complete, by discouraging and suppressing all groundless suspicions and domestic disturbances. I have no other object, and I can have no other interest, than to reign in the hearts of a free and happy people: And it is my earnest wish, that my subjects may not be prevented, by any mistakes, or animosities amongst themselves, from enjoying, in the fullest extent, the blessings of a mild and legal government. The support of our excellent constitution is our common duty and interest: By that standard I would wish my people to try all public principles and professions, and to look upon those as their most dangerous enemies, who, under any pretence whatsoever, would persuade them to violate those laws, and undermine that authority, which the constitution has provided for the purpose of preserving the general liberty and happiness."

Then the lord chancellor, by his majesty's command, prorogued the parliament to Tuesday the 23d of July next.

The king was accompanied to and from the parliament-house by a large body of the common people, who kept repeatedly testifying their joy by loud huzzas.—And we are sorry to add, it has since appeared, that six hundred weavers from Spitalfields were hired for this purpose, by the ministry; but it cannot be supposed his majesty had any previous notice of this degrading step taken by the ministry to procure such external marks of approbation of their measures, while they know their actions are inwardly abhorred by all good men.

About two o'clock, part of the court of aldermen and almost the whole common-council, preceded by the city-marshal  
and

and his deputy, went from Guildhall to the Tower. There were fifty-three carriages in the train. Mr. Alderman Wilkes, in Mr. Reynolds's coach; and Sir William Stephenson's carriage went first. The honourable members of the artillery company accompanied the procession in their uniforms, which made a very fine appearance.

When the lord-mayor and Mr. Oliver were brought to the Tower gate, on Wednesday, by the proper officer of that fortress, they were received with the greatest acclamations, which were continued all the way to the Mansion-house.

When the above magistrates got out of the state coach at the Mansion-house steps, the committee, who had alighted and gone in at a private door, met them, and conducted them into the house, amidst very loud acclamations of the people.

An elegant entertainment was provided at the Mansion-house for the aldermen, the committee of common-council, &c.

Twenty-one pieces of cannon were fired by the artillery company on Tower-hill, when the procession began.

The Monument was finely illuminated, as were the houses in all the principal streets of the city, &c. and the bells of most of the churches were rung on the occasion.

## L E T T E R I.

To Mr. JOHN WILKES.

S I R,

YOU have said "the public have a right to truth, and imposition on mankind ought to be detected and exposed." I am not entirely of that opinion: I think there are certain seasons when some particular truths ought to be withheld; and my lips should have been for ever closed on the subject of your real character and conduct, if you could by any motives have been persuaded, or by any art or contrivance been compelled to continue a voluntary or involuntary instrument of good to your country. I have long been, with others, struggling to make it your interest to be honest, and founded all my hopes not on your principle but common-sense. At length, I despair of any good from you, and apprehend much mischief. I think it therefore my duty to be no longer silent; and I come to an explanation without any apprehension of disgrace, because I know that though *Wilkes and Liberty* may for a while bear down every thing before them in the street, yet as far as they are not connected by public principles, they will surely be separated in the closet. But whatever may be the opinions of any persons concerning my conduct, I shall not alter it. Their uninformed opinions affect me little. I

know my own situation; I must ever remain a poor and a private man, and can never be a candidate for the favour or confidence of the public. The voice of the people is not the voice of God to me, though (in the fair meaning of the word *people*) I have never thought it wrong; but it is the voice within me that shall ever be the guide of my actions.

It is not my intention here to open any account with you on the score of private character: in that respect the public have kindly passed an act of insolvency in your favour; you have delivered up your all, and no man can fairly now make any demand. I blame your public conduct, and never had a difference with you on any other subject: and, though it has suited your selfish politics to insinuate and pretend some private pique between us, yet you have not ventured even anonymously, to suggest any particular cause of my dissatisfaction.

That I may be well understood it is necessary to give a short history of the commencement, progress, and conclusion of the intercourse between us. And this I will begin to do in my next; not for my own justification, for I could be well contented to leave each man to his opinion concerning me; but that the people at large, to whose safety and happiness it is important, may be better able to form their judgment how far they ought, and how far they ought not to support you; and that they may perceive your general professions and protestations to be like those of last Wednesday's speech, equally calculated to mislead and impose, and to which every particular act as well of your opposition as of *his* government is a flat contradiction.

JOHN HORNE.

To the Rev. Mr. H O R N E.

S I R,

Prince's Court, May 15.

I HAVE waited with impatience ever since November for the justification of your account of the *Westminster* business; in the very preface of which you advanced the tallhood, that you were *READY to vouch the authenticity of it*. I called upon you in print the day after its publication. In your letter of Jan. 16, you declared, "the *Westminster* business I shall reserve for my future letter." Another letter now appears, which neither mentions, nor promises any thing on that subject. Now you trifle with the public: before you dared to impose.

You say, "it is not my intention here to open any account with you on the score of private character: in that respect the public have kindly passed an act of insolvency in your favour." I believe indeed you will not chuse to open any account on the score of private character. A gentleman in holy orders, whose name appears to testify his belief of the articles of the Church of England, the least moral, the least conscientious of men, whose life has passed in a constant, direct opposition to the purity and precepts of the gospel, whose creed from the first article in it to the last is known to be *non credo*, such a person with wonderful prudence

dence chuses not to open any account on the score of private character. I do not mean, Sir, to be impertinent enough to a public, whom I respect, to descend to those particulars of private life, in which they are not interested, either to accuse you, or to defend myself. The frailties of which I have repented, I will not justify. I will not even plead with Hosace.

*Nec luisse pudet, sed non incidere ludum.*

But I hope to redeem and bury in oblivion every past folly by great and virtuous actions, by real services to my country.

Your letter of yesterday contains no charge, although it promises many. Every one shall be fully answered. I have only to desire that your future letter, or letters may appear before Midsummer day, because it is possible that by the favour of the livery of London, I may after that time be wholly engaged in preparing for the duties of a very important office, and the faithful discharge of the Sheriff's oath, not of that which you falsified.

I am, SIR,

Your humble Servant,

JOHN WILKES.

To Mr. JOHN WILKES:  
LETTER II.

SIR,

THE motives of my conduct, and the nature of our intercourse, (for it cannot be called a connection) will best appear from the situation of each of us at its commencement: your motives will appear as plainly in its progress and conclusion.

When your troubles began I was in France. I returned to England towards the end of the year 1764. Shortly after, by the interest of a neighbouring gentleman, with whose son I had travelled, I received a promise from Mr. Levintz, late receiver general of the customs, that I should speedily be appointed one of the chaplains to his majesty through the nominal application of the Duke of ———, with a prospect of such other particular preferment as was sufficient to satisfy my wishes.

I was quickly informed of all the political transactions in England during my absence. My expectations and opposite connections were not so strong in me as those principles which all who know me know I always professed, long before there was a probability that the times would ever call them out in practice. In this situation, I did not hesitate one moment about my conduct, but instantly declared my sentiments very freely; and during my short stay in England contributed my mite to the public cause by publishing whatever essays, hints, or intelligence, I thought might be useful. Amongst other things I had written a pamphlet, which one popular bookseller, after printing, declined to publish. I applied to Mr. Cotes, with whose name only I was then acquainted, as a person most likely to direct me to a bold publisher, such a one was found; and both Mr. Cotes and the publisher

acknowledge that the only stipulations between us were, that my name should remain a secret, unless the pamphlet was called in question : in that case the publisher had his choice either to be indemnified by me, or to give up my name for his own security if he did not chuse to risque the consequences of the prosecution.

In the year 1765 another neighbouring gentleman applied to me to go to Italy with his son : I embraced his offer. Passing through Paris, I delivered some letters to you from Mr. Cotes ; amongst others one of those letters from Mr. Onslow, which you have since published. Though this was the first time we ever saw each other, you exacted from me, with very earnest intreaty, a promise of correspondence. I thought you at that time sincerely public spirited, and a man of honour : I mean that sort of honour which, though it does not restrain from bad, prevents men from being guilty of mean actions. I wrote to you from Montpellier ; and lest from my appearance you should mistake my situation, and expect considerable services from me, I thought it proper to inform you, that I was only a poor country clergyman ; whose situation, notwithstanding his zeal, would never enable him to perform any considerable service either to you or the public. Having told you my profession, I disclaimed in a joking manner those vices which, from the dependent situation of its professors, are too frequently attendant on it ; I mean hypocrisy, servility, and an abject attention to private interest. Receiving no answer, I did not repeat my folly ; and upon a second visit to you at Paris, in my return from Italy to England in the year 1767, I saw reasons sufficient never more to trust you with a single line : for I found that all the private letters of your friends were regularly pasted in a book, and read over indiscriminately, not only to your friends and acquaintance, but to every visitor. In this second visit at Paris you reproached me for not keeping my promise of correspondence, and swore you had not received my letter. I was very well contented, though I did not believe your excuse, and hugged myself in the reflection that I had furnished you with only one opportunity of treachery. This letter you had copied some months, and shewed it about to numbers of people with a menace of publication if I dared to interrupt you. And yet you cannot pretend to justify yourself by saying that it contains any promises which have not been abundantly fulfilled. So far from promising assistance, if I have any memory, it declares an inability to assist. You will not say that I courted you in your prosperity, and forsook you in adversity : you will not say that I have been un-  
ful, or that I ever received any favours at your hands. I found you in the most hopeless state ; an outlaw ; plunged in the deepest distress ; overwhelmed with debt and disgrace ; forsaken by all your friends, and shunned by every thing that called itself a gentleman, at a time when very honest men who could distinguish between you and your cause, and who feared no danger, yet feared the ridicule attending a probable defeat. Happily we succeeded, and I leave you by repeated elections the legal representative

tative of Middlesex, an alderman of London, and about thirty thousand pounds richer than when first I knew you; myself by many degrees poorer than I was before; and I pretend to have been a little instrumental in all these changes of your situation.

I make no other reflection on your behaviour respecting my letter than barely to say that those who shall attempt to palliate or justify it, will want a justification themselves. Publish it, however, when you will, I am confident, as indeed I have likewise been assured by many to whom you have shewn it, that there is nothing in the letter of which I need to be ashamed, unless there are any compliments to you; of every thing of that kind your subsequent conduct has indeed made me heartily ashamed.

JOHN HORNE.

To Mr. JOHN WILKES.

### LETTER III.

S I R,

**M**Y first employment on my return to England was to reconcile you with Mr. Cotes, whom I thought you treated in his misfortunes with a barbarous ingratitude: and at Paris I explained to you my sentiments on the subject, as freely as a stranger could who wished not to offend you.

From this time till your arrival in England I threw out hints in the papers of your intention to offer yourself a candidate at the ensuing general election; and I endeavoured, with as much art as I was master of, to let them be just strong enough to make those who wished you well suppose the event possible, without being so strong as to make those who feared such an event suppose it probable.

From the time I left you at Paris in 1767 I held no communication with you of any kind whatever; nor did I upon your arrival in England in 1768 even pay you a visit, till it was very evident you had lost your election in the city. Then indeed I went to you, because I knew I could be useful to you in Middlesex; and I did then and do still think that there was no method by which I could do greater service to the public, than by espousing your cause; which the weakness and wickedness of your court had made, to a certain degree, the cause of every Englishman.

Besides some credible information which I had received since I first saw you concerning your character, and the danger which my second visit had shewn me there was in your correspondence, a particular transaction had made me forbear any communication with you, though my sentiments of your cause remained unaltered.—In October 1766, you came over to England privately: My brother-in-law, Mr. Wildman, accidentally met you in the street near his own house in Argyle Buildings in company with your brother Mr. Heaton Wilkes: Mr. Wildman expressing his surprize to see you, you told him you were distressed to find some place



place where you might safely lay hid from fear of the outlawry : he offered you his own house, where you stayed till you went back again to France. You represented to him your situation in France, which made it proper for you to endeavour by little presents, &c. to please your friends there to whom you had obligations ; and requested him to procure for you certain articles, to the value of forty pounds, and to send them directed for your friend Monsieur *Sainte Foy* at Paris ; to whose hands you said they would come without difficulty, examination or interruption, he being secretary to the French minister, and *Great Treasurer of the Marine* ; and you promised that Mr. Wildman's bills for the money he should lay out on these articles should be paid at sight. Mr. Wildman executed your office with the zeal of a friend, and chose to delay receiving his money till some months after when he was himself to pass through Paris. In September 1767 he waited on you at Paris : he hoped he had executed your commission to your satisfaction : you denied that the articles had ever been received. He asked what he must do ; and whether if any accident had happened, it must be his loss ? You replied that he must call upon Monsr. *Sainte Foy*. Mr. Wildman then desired you to let him have my clothes which I had left with you at Paris ; because I should not leave England so soon as I had before intended, and when I did go abroad should not take the route of Paris : you endeavoured to dissuade him from charging himself with the clothes, because of the great rigour of our custom-house ; and when you could not deter him, you promised he should have them soon. Mr. Wildman went to Monsr. *Sainte Foy*, was admitted, and told him the cause of his visit ; Monsr. *Sainte Foy* pretended that he could not understand either his French or his English : Mr. Wildman went down stairs to call his valet de place who understood both languages well : when he would have gone into the room again to Monsr. *Sainte Foy*, his valet de chambre said—" Sir, my master is not at home." In vain Mr. Wildman insisted, he had quitted his master but that minute to call in his interpreter ; the servant persisted that—" his master was not at home," and Mr. Wildman could only procure a repetition of the same answer. Mr. Wildman returned to Mr. Wilkes's house ; Mr. Wilkes was not " at home." He repeated his visits,—Mr. Wilkes was " not at home." At length he was informed that Mr. Wilkes was gone to his house in the country : Mr. Wildman went thither after you ; and you promised to come to Paris the next day, and settle all matters ; Mr. Wildman returned to Paris with Monsr. *Goy*, a name well known in England and in France, and a constant companion of Mr. Wilkes. M. *Goy* told Mr. Wildman, " he might as well save himself the trouble of his visits, he would get neither money nor clothes ; for that Mr. Wilkes was exceedingly distressed, and had been forced lately to pawn the clothes." The next day a note was left at Mr. Wildman's hotel, with Mr. Wilkes's name. Mr. Wildman immediately, on the receipt of it, at noon, went to Mr. Wilkes's lodgings. The servants said, Mr. Wilkes was in the country.

Mr.

Mr. Wildman then went to Messrs. Foley and Panchaud, the bankers, and not finding any money left there for him, as you had by letter promised him there should be, he perceived that Mr. Goy had told him truth, and that he was tricked and laughed at, and therefore instantly quitted Paris.—Such was the return, which you, his “ affectionate friend,” made to my brother, your hospitable friend, for “ obligations which made it impossible for you express the feelings of your gratitude,” and for “ favours received under his roof, of which you promised an eternal remembrance.”

Mr. Wildman has since made the proper enquiries, and finds that the goods he was commissioned by you to procure were duly delivered. For my own part I never made the least inquiry after my clothes, but have received a letter within the last three months, from Mr. Panchaud, informing me, they have long been in his possession.

Though the extreme meanness of thus filching, what you might have received freely as a gift, inspired me with infinite contempt for the very name of Mr. Wilkes, yet compassion, for the wretchedness of your situation, took away from me all kind of resentment; and though I was determined never to be connected with the man, I was ready to lay down my life in the cause.

I have mentioned these circumstances, not as any charges against you; though, no doubt, they will operate as such; but merely to prove, by facts, what was from the beginning the nature of my intercourse with you, and what must have been my motives at the time of its commencement.

JOHN HORNE.

To the Rev. Mr. HORNE.

SIR,

Prince's-Court, Saturday, May 18.

YOUR first letter of May 14, told me that you “ blamed my public conduct, and would not open any account with me on the score of private character.” A third letter is this day addressed to me. Not a word hitherto “ of my conduct,” but many false and malignant attacks about Mr. Wildman, your brother-in-law, who formerly kept the Bedford-Head in Southampton-street, Covent Garden, and your *old clothes*. The public will impute the impertinence of such a dispute to its author, and pardon my calling their attention for a few moments to scenes of trifling a nature, because it is in justification of an innocent man.

When you left Paris in May 1767, you desired me to take care of your *old clothes*, for you meant to return in a few months, and they could be of no use to you in England. The morning of your departure you sent me the following letter:

Dear Sir,

According to your permission I leave with you

|                            |         |
|----------------------------|---------|
| 1 suit of scarlet and gold | } cloth |
| 1 suit of white and silver |         |

1 suit

1 suit of blue and silver—camblet  
 1 suit of flowered silk  
 1 suit of black silk

And 1 black velvet surtout.

If you have any fellow-feeling you cannot but be kind to them ;  
 since they too as well as yourself are outlawed in England ; and  
 on the same account—their superior worth.

I am,

Dear Sir,

Your very affectionate,  
 humble servant,

Paris, May 25, 1767.

John Horne.

This letter I returned to you at the King's Bench, and at the bottom of it the following memorandum in my own hand writing, " Nov. 21, 1767, sent to Mr. Panchaud's in the Rue St. Sauveur." I left Paris, Nov. 22, 1767, and therefore thought it proper the day before to send your clothes *where* I was sure they would be perfectly safe, to Mr. Panchaud's, the great English banker's. They remained in my house, Rue des Saints Peres, only from May till the November following, nor was any demand, or request, made to me about them by Mr. Wildman, or any one else. The story of Monsieur Goy is, I am persuaded, an absolute falsehood. You are forced to own, " I have received a letter within the last " three months from Mr. Panchaud, informing me that they (*the* " clothes) have *long* been in his possession." Examine the banker's books. You will find the date is Nov. 21, 1767. You say, " for " my own part I never made the least inquiry after my clothes." I suppose for the plainest reason in the world. You knew where they were, and that they could be no part of a clergyman's dress in England, but that you were sure of so *rich a wardrobe* on your next tour to France or Italy, as Paris would probably be your route. This is all I know of the *vestimenta pretiosa* of Eutrapelus. I hope, Sir, the putting them on will not have the same effect on you as formerly on him.

*Cum pulchris tunicis sumet nova consilia et spes :  
 Dormiet in lucam ; forte postponet honestum  
 Officium ; memos alienos pascet.*

Your charge about your brother-in-law, Mr. Wildman, is equally unjust. When I was in England in October 1766, I lodged at Mr. Wildman's house in Argyle-buildings on his own most pressing invitation. I had long known him, and for several years belonged to a club, which met once a week at the Bedford-Head. Mr. Wildman desired to be considered at this time as the warm partisan of Mr. Wilkes. He begged that he might be useful as far as he could to me and my friends. I asked him to buy a little Welch horse for a lady in France, to whom I was desirous of paying a compliment. I fixed the price, and insisted on paying him at that very time, which I did. About a year afterwards Mr. Wildman fulfilled my commission, purchased me a Welch poney,

poney, and sent it to Calais. This was the single transaction of my own with your brother-in-law at that time. I gave him two or three trifling commissions from Monsieur *Sainte Foy* for arrack, &c. which were to be forwarded to Paris. I believe they were sent, but they never passed through my hands, nor do I know whether Mr. Wildman has yet been paid for these trifles, the whole of which amounted only, as he told me, to about thirty pounds.

Your endeavours to create a coolness between Mr. Cotes and me are clearly seen through, and will prove ineffectual. You made the same attempt on the late Mr. Sterne and me with the same success. In your letter to me at Paris, dated Jan. 3, 1766, you say, "I passed a week with Sterne at Lyons, and am to meet him again at Sienna in the summer.—Forgive my question, and do not answer it, if it is impertinent. Is there any cause of coldness between you and Sterne? he speaks very handsomely of you, when it is absolutely necessary to speak at all; but not with that *warmth and enthusiasm*, that I expect from every one that knows you. Do not let me cause a coolness between you, if there is none. I am sensible my question is at least imprudent, and my jealousy blameable."

In your second letter you say, "the nature of our *intercourse*, for it cannot be called a *connection*," and afterwards "in my return from Italy to England in the 1767, I saw reasons sufficient *never more to trust you with a single line*;" and in your third letter you pretend that you had even in 1767, "infinite contempt for the very name of Mr. Wilkes." However on the 17th of last May, you write me another letter on my going to Fulham, while my house here was repairing, to recommend *six* tradesmen to me, to tell me how *most sincerely* you were mine, &c. You add, "I could not forbear shewing my *friendship* to you by letting you know your friends." You will find, Sir, that it requires more memory as well as wit than falls to one man's share to support a long chain of falsehoods. You are lost and bewildered in the intricacies of error. The path of truth you would find more easy and honourable.

You assert, "I found that all the private letters of your friends were regularly pasted in a book, and read over indiscriminately, not only to your friends and acquaintance, but to every visitor." I glory, Sir, in having four large volumes of manuscript letters, many of them written by the first men of this age. I esteem them my most valuable possession. Why is the pleasure of an elegant and instructive epistle to perish with the hour it is received? To the care and attention of Cicero's friends in preserving that great Roman's letters we owe the best history of Rome for a most interesting period of above forty years. You mistake when you talk of *all the private letters of your friends*. My care has extended only to letters of particular friends on particular occasions, or to letters of business, taste, or literature. The originals of such I have preserved; never any copies of my own letters, unless when I wrote

to a Secretary of State, to a Talbot, a Martin, and a Horne. When you add, "that they are read over indiscriminately, not only to your friends and acquaintance, but to every visitor," you knowingly advance a falsehood. So much of your time has passed with me, that you are sensible very few of my friends have ever heard of the volumes I mentioned. The preservation of a letter is surely a compliment to the writer. But although I approve the preservation, in general, I highly disapprove the publication of any private letters. However there are cases which justify call them forth to light. Mr. Onslow's first letter was after great importunity from you printed by me, to justify what you had said at Epsom. The second you printed, without my consent, from a copy I suffered you to take.

The *pamphlet* you mention has *not yet been published*. I have now before me the copy, corrected with your own hand, which you gave me at Paris. The following passage I am sure, you will read at this time with particular satisfaction, and I reserve it for you *pour la bonne Bouche*.

"We have seen, by Mr. Wilkes's treatment, that no man who is not, and who has not always been absolutely perfect himself, must dare to arraign the measures of a minister.

"It is not sufficient that he pay an inviolable regard to the laws; that he be a man of the strictest and most unimpeached honour; that he be endowed with superior abilities and qualifications; that he be blessed with a benevolent, generous, noble, free soul; that he be inflexible, incorruptible, and brave; that he prefer infinitely the public welfare to his own interest, peace, and safety; that his life be ever in his hand, ready to be paid down cheerfully for the liberty of his country; and that he be dauntless and unwearied in her service—All this avails him nothing.

"If it can be proved (though by the base means of *treachery* and *theft*) that in some unguarded wanton hour he has uttered an indecent word, or penned a loose expression—Away with such a fellow from the earth;—it is not fit that he should live."

I am, Sir,

Your humble servant,

JOHN WILKES.

To Mr. JOHN WILKES.

LETTER IV.

SIR,

**D**URING the City-Election many worthy Merchants having generously come forward to your assistance, and some of them being men of the most rigid morality, you thought it proper to adopt the language of a penitent: to the one you talked of "Saul transformed into St. Paul;" to another you were poetical, and told him that "hitherto your life must be considered as only bearing the *blossoms*, and that the public might now expect from you the *fruits*:" And you talked of the *folly* of

or

of your *youth*, as if you had not been at that time between *forty* and *fifty*, and as if *folly* was all that could be alledged against you. I believe you did not impose upon many; the greater part despised the hypocrite, who before abhorred the rogue: But however some might be deceived, your conduct did not suffer me even for a few days to suppose you a changeling.

On *Tuesday* morning, March 22, 1768, I paid you the first visit in London. On *Wednesday* I inserted two advertisement levelled at the old members for Middlesex: For one of which the imprudent hastiness of Sir J. Gibbons made that Gentleman afterwards publish my name. On *Thursday* you set out with me to canvass the western part of the county: Returning in the evening to Brentford, I found there Mr. T——n, whose name I did not then know: He had been appointed by your Committee of the City to secure some houses at Brentford for the day of the Election: He could get none, because he was totally unknown: He applied to me, and appointed me to meet him on Saturday evening at the King's arms, where the Committee would settle every thing with me relative to the houses. On *Friday* I procured two Inns for the purpose; and engaged myself to them to pay the expences which should be incurred; and this was necessary, because if you had lost your Election the people could easily foresee you would again have fled the country, and they would have lost their money. On *Saturday* in the evening I waited on the Committee: Mr. T——n was absent: I told them my business, and desired only that the risque of the uncertain expences at Brentford on the day of Election might be understood to be equal between us, because I was not sufficient to bear the whole, and such a loss might undo me. They were perfect strangers to me; the Committee was distracted with variety of business; all was confusion; and they treated me very cavalierly, as they would have done a sharper who was come to impose upon them by false pretences: The Chairman, Mr. J. J——, a Gentleman of character and a man of business, not having (as he has since informed me) been acquainted with the circumstances, and knowing that Mr. T——n had been appointed to look after the houses, very properly, though abruptly, bade me quit the room; saying that since houses are procured, that is sufficient for us, and we have nothing to do with you or your engagements. I quitted the room; first telling them that they were mistaken in supposing they had the houses safe, and therefore might leave me to bear the burthen; that I was not quite so foolish as they seemed to imagine; if they would not make it a joint risque, I was still able to save myself, for that I very well knew Sir William Beauchamp Proctor and Mr. Cook would be very glad to take the houses off my hands, and to acknowledge the obligation. You had hitherto sat silent; but being alarmed at my last words, which I threw out to alarm them, and to make them join with me in the risque, you followed me, and led me together with Mr. — into another room; you caught me by the hands, and supplicated me most earnestly not to be of-

fended at such "creatures" as your Committee; you swore I should run no hazard; that you had more than money enough at your Banker's, and would that moment give me a draught for fifteen hundred pounds.

I replied—"Sir, I was not at all offended before, but I am now: "I see you think me a dupe; because it is Saturday evening, and "your Election comes on on Monday morning; you offer me "a draught on your Banker for fifteen hundred pounds, when I "know you have not fifteen-pence in the world. It is you that "treat me ill, not they. I am not duped, Sir; and I desire I may "at least have the honour of doing what I do with my eyes open. "Go back and look after them; give yourself no concern about "me: I shall act in the same manner as if they had engaged with "me. The die is cast: If I had not thought that all was at stake "on the success of your Election, I should not have come for- "ward at all; and having once begun in it, nothing shall "stop me."

The success of the Election is known; the Gentlemen afterwards excused themselves to me for a behaviour for which their good intention entirely justified them; and the Committee paid the expences.

JOHN HORNE.

To the Rev. Mr. H O R N E.

S I R,

**I**N your second Letter to Mr. Wilkes, printed in the Public Advertiser on Thursday May the 16th, you are pleased to say, "Amongst other things I had written a pamphlet, which "one popular bookfeller, after printing, declined to publish.— "I applied to Mr. Cotes as a person most likely to direct me to "a bold publisher; such a one was found, and both Mr. Cotes "and the publisher must acknowledge, that the only stipulation "between us were, that my name should remain a secret, unless "the pamphlet was called in question: in that case the publisher "had his choice, either to be indemnified by me, or to give up "my name for his own security, if he did not chuse to risque "the consequences of the prosecution."

As I am called upon by you in the public papers, I think the public have a right to every information in my power, and I shall strictly adhere to *truth*, remembering from the book, that "*truth* "endureth, and is always strong; it liveth and conquereth for "evermore." It is true, that you applied to me to recommend a printer to you for a pamphlet, you brought me to peruse. You may recollect that I was extremely shy of you, nor would I enter into any private conversation with you till on the third visit. This caution was owing to the particular circumstances of the times: I had just before stood forward in support of an honest man, who was condemned to the Pillory for re-publishing the North Briton, No. 45. I had made an handsome collection for him under the Pillory in Palace-Yard. *General Warrants* had not then received their

their formal condemnation; nor were the houses of Englishmen freed from the visitation of Secretaries of State, King's Messengers, Solicitors, Law Clerks, &c. &c. My behaviour had drawn upon me the indignation of those in power, and Spies and Messengers surrounded my house. In that situation common prudence dictated to suspect every man who came to me without a particular recommendation, in which predicament you then stood, as I did not then even know your name; however, I afterwards engaged a printer, and I believe you gave him your name by way of indemnification, and you soon after left England. I know of no other stipulation: After your departure, I thought the honest man would run too great a risk by publishing in your absence; I therefore took the whole impression from him, and paid him for the printing. I do not recollect you have repaid me, nor do I desire it; but the pamphlet was never published.

I certainly was the first person that introduced you to Mr. Wilkes's acquaintance; and I have lately lamented, and declared my concern in many public companies, that I had so done: but when I consider your small services in the Middlesex Election, and the very great ones you have done him by your late attacks in the public papers, I begin to alter my opinion.

As you have made free with my name, you must give me leave to make some remarks upon your public conduct, of which I formerly had a tolerable good opinion. I found no alteration in you respecting Mr. Wilkes, until he was elected Alderman. From that period (for reasons you best know) your friendship cooled, and every success of his afterwards was apparently received by you with dislike; and I found that the great public cause was to suffer from your private pique to him in the business of the Middlesex Petition; for after that measure was determined upon at the Mile-End Assembly Room, Mr. Wilkes gave you a draught of a petition, the subject matter of which was confined merely to the violated Rights of the Electors of England in general, and to those of the county of Middlesex in particular; his opinion being, that general invectives against the King's Government and Ministers, past and present, would only furnish a pretext to avoid the decision of the grand question—the Right of Election.—And I firmly believe, if that mode of petitioning had been adopted, not one county, nor scarcely one borough in England, would have been backward in support of the cause; but you acted upon very different grounds; for, after pretending to prepare a petition more to the purpose, you amused your friends for more than three weeks, without producing *one line*.—At length I was so much harassed by many Freeholders of my acquaintance, that I determined to apply to Mr. Wilkes, then in the King's Bench Prison. I found Mr. Bellas with him, who then censured your conduct in the strongest terms. We went from thence to Mr. Samuel Vaughan, who, we understood, had a petition of *yours* in his possession destined for the City of London.

We



We found him at the Jamaica Coffee-house. Mr. Vaughan refused Mr. Bellas a sight of that petition, which occasioned very high words between them. I then waited upon Mr. Walpole Eyre, the Chairman of the Committee appointed at the Mile-End Meeting, to desire his permission, with the consent of Mr. Wilkes and Mr. Bellas, to call the Freeholders together at the Crown and Anchor in the Strand, to consider of the Petition. This I published immediately in the papers. Sickness preventing my attending, the company then present can best account for your behaviour at that meeting. You may recollect that you afterwards expressed yourself highly dissatisfied with me for that measure; which I did not regard, being determined to keep a watch over you, as your conduct had made me very suspicious. Another Meeting was afterwards had, as I am informed, at the Three Tuns in Spital-fields, when the petition was agreed to by the Committee; and in consequence a meeting of the Freeholders convened at the Mile-End Assembly Room at *eleven o'clock* to hear, approve, and sign it.—Mr. Martin has informed me that you did not bring the petition to him at his house near Leicester-fields until *twelve o'clock* that *very* day; and it was past two before you and Mr. Martin arrived at the Assembly Room at Mile-End. Many of the Freeholders were gone away, much disgusted at your conduct. You best know whether it was your design to defeat the petition, and to stop the spirit of petitioning in its rise, or not; the public will make their own reflections.

Again, when the petition of the county of Surry was in agitation, a Gentleman of the Committee applied to you for a draft which you gave him. He shewed it to me, and I cannot conceive, that if you intended the business should have succeeded at the General Meeting of the County, you would ever have given him such a draft. When I read it, I own I was astonished, because I then thought you did not want abilities to do better. I then told the Gentleman, that I was certain, no man of consequence in the county would even hear of such an absurd composition. This I repeated to you at Vauxhall, previous to our going to Epsom, and afterwards in the Coffee-Room there. You may recollect that I told you, before several Gentlemen, that you “wanted to injure the great cause, but that it was above your match.” Notwithstanding all which, you read this very extraordinary performance on the Bowling-Green as *your own*, though you had previously given it to the Gentleman; and you had the mortification to find it totally rejected. I leave the impartial public to judge of your conduct in this business; for my own part, it explained your real intentions so clearly, that I have not since had the least doubt of your true character.

As you, Sir, have made the tour of Europe twice, you must, doubtless, have formed your opinion on the difference between free and despotic governments. I, from a frequent intercourse with a neighbouring nation, have been taught the value of that inestimable jewel LIBERTY. Those now unhappy people were

once

once as free as us; but by the treachery and profligacy of the great, and the wiles and arts of wicked men and ministers, are now reduced to a wretched state of slavery. In some, indeed, the spirit of freedom still remains, and many noble and meritorious efforts have lately been made to recover what their ancestors have so shamefully lost; but in vain; they can only rattle and bite their chains in anguish. If ever that should be the fate (in an evil hour) of this dear country, it needs not the spirit of prophecy to divine, that though our vallies should be filled with plenty, they will cease to laugh or sing.

Mr. Wilkes's public conduct has given me the most convincing proof of his love for this country; and that he is the true watchman of constitutional liberty. His late attention to the ancient and undoubted rights and franchises of the people in general, and of the city of London in particular, both with respect to press-warrants and the seizure of the printers, will do him immortal honour, as they will reflect the highest disgrace on those who basely withdrew themselves when these most essential points were agitated. These, added to his former merit, will place him above the reach of envy, and convince every honest, independent Englishman, that those little shafts which are aimed at him, arise either from low jealousy, or mean self-interest; the latter has, to the disgrace of it, been the characteristic of this country for a long time. Thank heaven, however, there are some few exceptions, I sincerely wish I could with propriety rank you among them. It has given me great concern to find such a defection amongst those who call themselves the friends of liberty. God knows they are too many; but I trust there still remains in this country, a great majority of honest men, who will scorn to follow such unworthy examples; and that you will all find in the end, that *Vox Populi, Vox Dei*, is an unerring rule in England.

Your humble Servant,

May 18, 1771.

HUMPHRY COTES.

P. S. Since the foregoing I have read your third letter to Mr. Wilkes, in which you say, "My first employment on my return to England was to reconcile you with Mr. Cotes."—I never had a quarrel with Mr. Wilkes—I never accused him of ingratitude.

To the Rev. Mr. H O R N E.

S I R,

Prince's Court, Saturday, May 22.

I AM persuaded there are very few particulars in your fourth letter, which the public wish that I should answer. You say, that on the Saturday before the first Middlesex election; "you led me, together with Mr. —, into another room; you caught me by the hands, and supplicated me most earnestly not to be offended at such creatures as your Committee; you swore I should run no hazard; that you had more than money enough at your banker's, and would that moment give me a draft

"draft for fifteen hundred pounds." I had been only a few weeks in England, and most certainly had at that time no banker. If I had made such a speech to you, who knew the distress of my private affairs, instead of supporting me as candidate for the county of Middlesex, you ought to have applied to my friends for a commission of lunacy against me. That single proof would have been sufficient. Will you please, Sir, to tell me the banker's name, and the name of Mr. —, of which you do not even give the initials? I assert, that the whole of this tale is an absolute falsehood. I hope Mr. — is not dead, as well as Mr. Levintz, the LATE Receiver General of the Customs, whom you quote as your authority, that you had a promise you should be appointed one of the chaplains to his majesty, as well as a prospect of such other particular preferment as was sufficient to satisfy your wishes.

When you mention the city election you assert, "you talked of the follies of your youth, as if you had not been at that time between forty and fifty, and as if folly was all that could be alledged against you." Whatever could be alledged against me would probably come from others, rather than from myself. I am sure this could only pass in a private conversation. I was not guilty of that absurdity to the respectable body of the livery. You cannot produce any expression in my various addresses to them, which has such a tendency. As to my age at that time, you have given the truth. I wish you had in every other part of your letters. The city election was in March 1768. I was forty the October preceding. Mr. Horne has, therefore, in four long letters, advanced one truth, that at the city election, in March 1768, Mr. John Wilkes was between forty and fifty. If any man doubts the fact, because Mr. Horne has asserted it, he may have full evidence, although its validity would be controverted by the Minister of New Brentford, bible evidence from a large family book, or the bible oath of a midwife, a nurse, and half a dozen gossips.

In your first letter, you declare, "it is necessary to give a short history of the commencemens, progress, and conclusion of the intercourse between us." In your second, you say, "the nature of our intercourse, (for it cannot be called a connection) will best appear from the situation of each of us at its commencement." Your situation shall be explained by yourself, from the words of the first letter you ever wrote to me.

"You are entering into a correspondence with a parson, and I am a little apprehensive, lest that title should disgust you: but give me leave to assure you I am not ordained a hypocrite.

"It is true, I have suffered the infectious hand of a Bishop to be waved over me: whose imposition, like the sop given to Judas, is only a signal for the devil to enter. It is true, that usually at that touch—fugiant pudor, verumque, fidesque. In quorum subeunt locum fraudes, dolique, invidiaeque, &c. &c. but I hope I have escaped the contagion; and if I have not, if you should at any time discover the black spot under the

" the tongue, assist me kindly to conquer the prejudices of education and profession?"

I am, Sir,

Your humble servant,

JOHN WILKES.

To Mr. JOHN WILKES.

LETTER V.

SIR,

**T**HOUGH I do not intend that you shall artfully draw me off from my course of a regular explanation; yet I think it proper to take some notice of the two letters you have given by way of reply.

And first I must observe what you have *not done* in your letters. You have not even pretended any reason for my dissatisfaction with your conduct. You have not denied that our acquaintance began in the manner and at the time I have mentioned. You acknowledge that you received my letter from Montpellier, because you have made an extract from it; and yet you have not denied that you disowned to me the receipt of it. You have not denied the shewing about this letter with an intention to intimidate and injure me; but as Cæsar's and De Retz's examples are to justify your dishonest debts, so Cicero's letters, it seems, are to justify your treachery. You have admitted that I had no communication with you from May 1767 till March 1768, and that my first visit to you in London was when you had evidently lost your city election; and yet you have offered no reason why our acquaintance should be in this manner broken off as soon as it was begun, and why, after that interruption, it should be resumed again just at that critical time. You have not imputed to me any motives of action either when I commenced or when I quitted any intercourse with you, either when I have approved or when I have disapproved your conduct.

Instead of giving a consistent probable account of any thing, let us now see what you *have done*.

In your first letter you have declared me to be " the least moral and the least conscientious of men; that my life has passed in a constant and direct opposition to the purity and precepts of the Gospel; and that my Creed from the first article to the last of it, is known to be *non credo, &c.*"—Such charges as these from the mouth of Mr. Wilkes!—But I should be ridiculous if I paid any regard to *general* abuse; It is sufficient for me to answer, that were my character so bad as you say, it must be *very* notorious indeed, and you would not be forced to deal in *generals*, and instead of my actions to accuse the secret thoughts of my heart, which no man can scrutinize; because since I was *eight* years old my life has passed before hundreds of witnesses, and you would easily be able to collect all the

*particulars of my misbehaviour from my infancy. Westminster—Eton—Cambridge—the Temple—my living at Brentford, which I have had upwards of ten years—travelling with the sons of two gentlemen who live within a mile of my house, who applied to me, and to whom I had no recommendation but that notorious character you speak of—All these are not situations in which a man's very bad conduct is likely to be concealed. To general charges such general answers only can be given.*

Your second letter is more particular, and shall have a more particular answer. The following is your account of the transaction with Mr. Wildman.

“ Mr. Wildman formerly kept the Bedford Head in South-  
 “ ampton Street Covent Garden; for several years I belonged  
 “ to a club which met once a week at the Bedford Head: when  
 “ I was in England I LODGED at his house in Argyle Buildings;  
 “ he desired to be considered as my warm partizan; he desired  
 “ to be useful to me and my friends; I desired him to buy a  
 “ horse, I fixed the price and paid him beforehand. This was the  
 “ single transaction of my own with Mr. Wildman. I gave him  
 “ two or three trifling commissions from Monsieur Sainte Foy. I  
 “ believe the articles were sent, they never passed through my hands,  
 “ nor do I know whether Mr. Wildman has yet been paid for  
 “ these trifles.”

You are absolutely silent about what passed between you and Mr. Wildman at Paris: you do not seem to know that this *Tavern-man*, at whose house you LODGED, ever called upon you there: in short you know and care nothing about the matter; you paid for your horse beforehand, and have nothing to do with the other trifles whether he was paid or not; he may go again for payment to Monf. Sainte Foy!

The reader who cannot see your baseness through this shuffling, must be stupid indeed. But, Sir, I have your letters to Mr. Wildman now before me. You left Mr. Wildman's house, Nov. 7, 1766: the next day you wrote thus amongst other things to this *tavern-man*.

“ Dear Wildman,

*Ship at Dover,  
 Saturday, Nov. 8, 1766.*

*My heart is too full to say one word of the events of yesterday, except my feelings of gratitude to you and Mrs. Wildman for all the kindness you shewed me. Pray direct to me at Paris Rue des Saints Peres au coin de la Rue de l'Universite, and let me know every farthing of expence you are at for me, my HORSE, &c. I am,*

*Dear Wildman,  
 Your affectionate humble Servant,  
 JOHN WILKES.*

Again in another letter you say,

“ Dear Wildman,

*Paris Rue des Saints Peres,  
 March 29, 1767.*

*If you would deliver a friend of yours from daily, almost hourly persecution, you will contrive to get me the little horse I asked of you for*

for a lady, I will repay you all charges of every kind. You were so kind to undertake a few commissions for a friend of mine here. Will you forgive me troubling you in this manner? Your readiness to serve me on every occasion makes me more willingly ask these favours of you. I hope your gout has kept aloof this winter, and that Mrs. Wildman enjoys perfect health. I beg you to remember me to her very affectionately, and to assure her that I shall never forget the obligations I received under your roof.

I am, Dear Wildman,  
Your sincere Friend,  
And most humble Servant,  
JOHN WILKES.

Again in another letter you say,

" Dear Sir,

Paris, Rue des Saints Peres.

We have been fellow sufferers in a good cause, and we will keep up our spirits with the hope of seeing it at last triumphant. Do not you come this summer to taste our Champaign and Burgundy? I shall be very happy to see you here. I beg you to remember me to all our good friends, to Mrs. Wildman in particular, whose kindness to me I shall never forget. If the gout spares your fingers you may employ them usefully in now and then writing to,

Your affectionate humble Servant,  
JOHN WILKES.

P. S. Since I wrote the above I have the favour of yours of the 23d. Ten thousand thanks for the trouble you have had about the horse. Shall I pay the 7l. 10s. to Foley and Panchaud on your account? As soon as you send me Monsieur Sainte Foy's bill, I will take care the money shall be paid into Foley's and Panchaud's, and you may afterwards order them to pay it to Monsieur Le Marquis de Puycient. Pray where does he live in Paris, or where in Champagne? If I can serve you or save you trouble, let me know. If you will send me your commission in English I will translate it into French and send it to him.

These letters passed before Mr. Wildman went to Paris. How he was trifled with and treated there I have already mentioned. After he was returned to England, you sent him the following artful letter.

" Dear Sir,

Paris, Rue des Saints Peres  
October 19, 1767.

I was sorry to miss the pleasure of seeing you at the Hotel de York the morning I came to Paris on purpose to see you. Why did you not leave me a note about Monsieur Sainte Foy's business, and if it was settled or not? You know very well the letter you sent me to Paris some months before about it you found undelivered. St. Foy never had received but the arrack. Did you enquire about the other things when you returned by Calais? If you will send me the list of the things and what you have paid, and the name of the ship and master, with the direction of the goods, I will set all to rights, and see you paid.

I advise you likewise to empower Mr. Panchaud to receive the money of St. Foy. I long ago enclosed you a direction how to draw for it. Send me likewise the account of the little horse, and I will pay the remainder to Mr. Panchaud. I lament, my dear Sir, that you have had so much trouble on this occasion. Be so good only to take the pains of writing to me by the post, and I will soon bring this into order. If I can be of any service to you, I need not say that you may always command me, and surely there has been no delay on my part. I beg you to remember me with much regard to Mrs. Wildman and to Mr. Horne.

I am, Dear Sir,

Your affectionate humble Servant,

JOHN WILKES.

P. S. Goy is with the duke of Choiseul at Fontainebleau."

The following is a list of the articles which you commissioned Mr. Wildman to buy.

"Twenty-five bottles of the very best old Jamaica rum.

Twenty-five arrack.

For three gowns, chintz, one light blue, one pink, and the other fine yellow ground.

Pamphlets.

Oroonoko, as it is acted now.

Romeo and Juliet.

Churchill's works.

Forty yards of fine flannel.

— } *Two profligate articles which Mr. Wildman would not furnish.*  
— }

La Philosophie de l' Histoire.

Le Philosophe ignorant.

Le dernier Ouvrage de Boulanger.

Every thing new from Voltaire."

Though you pretend not to know whether Mr. Wildman has yet been paid for these trifles, you know it can be proved that Mr. Wildman's clerk called upon you while you were in the king's bench for the money, to which application you answered, that you had nothing to do with it. And I suppose you know that Mr. Reynolds not many months ago endeavoured at Bath to persuade Mr. Wildman to subscribe this debt, or, if he would not do that, at least to accept the composition for it. Mr. Wildman has very cheerfully subscribed on your account since your return to England more than this sum, but he would not subscribe this debt, in which he had been so shamefully treated.

You next deny that Mr. Wildman asked you for my clothes; and you are persuaded that what is said of Mons. Goy is an absolute falsehood. Mr. Wildman's affirmative would be much undervalued if it was to be weighed against your negative. But perhaps this matter does not depend alone on his veracity.

You have made an extract from the letter I sent you from Montpellier, which wants no excuse, and does not relate to any thing in agitation. If it required any explanation, I could

could easily give you one you would not like. I last night found among my papers a copy of this my letter to you, with which you have so much threatened me : It finishes with the latter of the following extracts.

" I have received yet no letters ; I believe I have some at the post-house at Marseilles, but I do not expect any intelligence in them : I hope for some from you relative to yourself that may give me pleasure ; though I am half afraid that your hopes of the present ministry have miscarried ; for Lord St. John of Bletso, not long since shewed me a letter from the Duke of Grafton, excusing himself for not appointing his lordship to the embassy of Constantinople, and mentioning the appointment of Mr. Murray ; at the same time his lordship told me, that he too had long been soliciting that employment : I wish there had been no greater obstacle in your way than his lordship's interest and merit.

" I this moment receive a letter from England that tells me Fitzherbert has sent you power to draw on him to the amount of 1000*l.* a year :—

*Eutrapelus, cuicumque nocere volebat  
Vestimenta dabat pretiosa :—*

I am afraid this is *Eutrapelian* generosity ; and that by furnishing you with the means of pleasure, they intend to consign you over to dissipation, and the grand points of national liberty and your glory to oblivion. I am sure they will be mistaken ; nothing little or common is for the future to be pardoned you. The public have done you the justice to form extravagant notions of you, and though they would be very sorry to see you neglect any opportunity of serving your private interest, yet they hope never to have cause to reproach you as Brutus did Cicero—That it was not so much a *master* that he feared as Anthony for that master."

This language was pretty plain, Sir, from so new an acquaintance to you as I then was, and I think my sentiments expressed in the latter extract cannot easily be misunderstood. From this latter extract of my letter you evidently borrowed the thought and the quotation from Horace which you have used in your letter of last Monday ; but unfortunately you do not understand the passage, an accident that happens very frequently to plagiarists, you say, " This is all I know of the *Vestimenta pretiosa* " of *Eutrapelus*. I hope, Sir, the putting them on will not have " the same effect on you as formerly on HIM."—If they have no more effect on *me*, than Horace supposes them to have had formerly on *Eutrapelus*, they will not do me much mischief.

*Eutrapelus, cuicumque nocere volebat,  
Vestimenta DABAT pretiosa.*

The fact is, Sir, (as any school-boy can tell you) that *Eutrapelus* did not wear the clothes himself, as you suppose, but left them with a profligate at Paris, and the bad effects enumerated by Horace



race in the following lines relate to the fellow who pawned them, and not to Estrapeius who gave him the opportunity.

You have made another *extract* from a letter you call it, which I sent to you at Fulham. I desire you would give the whole of that letter, and the *extract* will then, I believe, have a very different appearance. It is true that *note* to you at Fulham had escaped my memory, but I now very well recollect the occasion of it. Mr. B——, of Fulham, who had been exceedingly useful in your election, came to solicit me last May that I would write to you in behalf of some tradesmen there, who had voted for you, or otherwise served you in your election. It was much against my will to tell him my thoughts of his request; and yet I could not be so unjust as to conceal my opinion and do them an injury under the appearance of a favour. I asked him *smiling* (for you know I cannot laugh) if he really thought such a recommendation of them would be doing them a favour? He replied, they would think it so. I told him, I would not pretend to answer for their being paid; and that I should be sorry to make them such a return for their good public spirit, as to recommend them to a bad private debt. He said they would use their prudence, which I begged he would caution them to do, that I might not hereafter be reproached. On this occasion I recollect I did write to you a short note, of which I have likewise a copy somewhere; and I remember too the substance of it. I expressed to you my surprize that your credit was so good, and that there were still to be found any persons willing to trust you: the line of my note, which you have extracted, was inserted by me to let you understand that you were not conferring an obligation on me, but that it was an act of friendship in me towards you to let you know your friends.

Sir, my surprize to find any tradesmen willing to trust you was the greater, because I knew several of the fraudulent pretences you had *used since your enlargement* from the king's-bench to obtain goods from tradesmen.

What you say concerning Mr. Onslow's letters is not true; but it needs no refutation, being nothing to the present purpose, and bearing evident marks of falshood on the face of it; for who can be so gross as to believe that—"it was printed without your consent, from a copy you suffered me to take," and this too after acknowledging that you printed the first letter yourself?

JOHN HORNE,

To Mr. COTES.

SIR,

I Was exceedingly sorry, and much surprized, to see your name signed to such a heap of nonsense and falshood as is contained in your letter. I have never given you the least provocation. There is nothing in either of my letters that could offend you.

I only

I only said, I was entirely a stranger to you, when I applied to you for a publisher—that you found one for me;—that I made no other stipulation with him, than to conceal my name, unless it was necessary for his safety to disclose it, and that by your means I first became acquainted with Mr. Wilkes. The truth of all this you acknowledge. You then cast some reflections on me, I suppose at the instigation of Mr. Wilkes, who never yet hesitated about sacrificing his friends for the most trifling momentary advantage to himself. Now, Sir, you will see in a few moments to what he has exposed you. You say, that “soon after you had engaged a printer I left England.” The pamphlet was printed in June 1767. I did not leave England till three months after in September.

You say—that “after my departure, you thought the honest man would run too great a risk, by publishing it in my absence; that you therefore took the whole impression from him.” The fact is, that as soon as it was printed, you several times ordered it for publication, and as often stopped it. You must remember the reasons you gave me for so doing: if you insist on my telling them, I shall comply: I am only silent on that subject from respect, you ought to be so from strong ties of honour. You say—“you paid for printing the pamphlet, but you do not recollect whether I have repaid you, nor do you desire it.” Now, Sir, observe the dilemma into which you have brought yourself. Whilst I was abroad you became a bankrupt. (I do not mention it, but from the necessity you put me under; no man felt, and does still feel more concern for you on that account than myself.) Either I *did* repay you, or I *did not*. Is this debt to be found in your accounts which you have delivered to your creditors on oath? I will venture to say it is not. If I *did* repay you, why do you endeavour to cast the reflection on me, of being in your debt? If I *did not* repay you, how will you escape from the oath of your bankruptcy; but you have made this matter appear more serious than it is. Humphry, I do not want to load you unjustly; all my friends and acquaintance know that on account of your misfortunes and good-nature, I have ever been your advocate. This expence of the *printing* was a mere trifle, which you have mentioned *uncertainly* in your letter, for the sake of reflecting upon me, that I might be supposed to be something *considerable* in your debt. I *did* repay you *after your bankruptcy*, after my return in 1767, you told me what I should give you, and I paid you one day as we were walking in the street: for you said it was a trifle of such a nature as you never entered in your books. I will pay you again, if you please: Though had I not paid you, it would have been, with a very ill grace, that you could reproach me for it; because, when you became a bankrupt, you owed my brother-in-law, Mr. Wildman, 22l. which he would not claim. He said, *honest Humphry* was heartily welcome to it.

So much for the foolish pamphlet.

The

The only thing besides, which I have said concerning you in my letter is, that "I reconciled you with Mr. Wilkes, and that I thought he treated you, in your misfortunes, with a barbarous ingratitude." How could this offend you? You answer—"that you never had a quarrel with Mr. Wilkes; and that you never accused him of *ingratitude*." Mr. Wilkes has taken care not to say so much. I certainly did reconcile you: Mr. Wilkes, in the year 1767, and ever since that time, down to the present moment, has constantly accused you of applying to your own purposes above a *thousand pound*, which, he says, he trusted with you to pay the debt due from him to the *Foundling Hospital*: in Mr. Wilkes's own account of the matter, I saw he did not tell truth: and when I talked to you afterwards on the subject, I thought you justified yourself from the charge, and proved to me, that Mr. Wilkes was in your debt. If Mr. Wilkes will deny this, I engage to bring as many creditable witnesses as he pleases to prove it: for it has been his constant defence to his friends, when he has been charged with that *fraud* on the Foundling Hospital.

The bulk of your letter, Mr. Cotes, is upon matters very foreign to any thing I had said concerning you or Mr. Wilkes. You give us an encomium on *truth*, and some common rant about liberty; to which you add your *opinion* on *political measures*; and your *taste* of *literary composition*. You make some remarks, and give a *false* account concerning the Middlesex and Surry petitions; but I will not now be drawn off to answer them. Nor shall I trouble myself at present with what concerns you more nearly; I mean the *POLICIERS* about D'Eon. I have known the circumstances of that fraudulent business some time; but I suppose it will not be necessary for me to disclose them; they will be brought to light without my assistance.

JOHN HORNE.

To the Rev. Mr. HORNE.

S I R,

Prince's Court, Friday, May 24.

**I**N the accuracy of quotation you have a formidable rival in Mr. Lauchlin Maclean. You do not even publish your own letters correctly. I ought not then to be so unreasonable as to expect you should print mine more faithfully. The third letter you have quoted of mine to Mr. Wildman has no date. Is there none in the original? I expect you to leave at the Printer's every letter of mine, which you have quoted, and all those you print in future. Your letters to me shall accompany this, and be left for your perusal at the Printer's. The palm of exactness and fidelity you shall yield to the Alderman of Farringdon Without.

You quote me as saying, "when I was in England. I LODGED at Mr. Wildman's House in Argyle Buildings," but you chuse to omit the words immediately following, because they cleared me from one of your charges, *on his own pressing invitation*. In your letter to me from Montpellier you only quote, "I have received yet no letters," the original added "from England." In a former letter

letter I said, "I fixed the price of the horse," "and in-  
 "sisted on paying him (Mr. Wildman) at that very time,  
 "which I did." Will your Brother-in-law deny this? I  
 thought five guineas the common value of a Welch poney.  
 I had formerly purchased more than one at that price. He told  
 me I must give seven: I therefore paid him down that sum. The  
 expences of the Horse, &c. *travelling to Calais* could not then be  
 ascertained. My letters confirm this account. You quote from that  
 of Oct. 19, 1767. "Send me likewise the account of the little horse,  
 "and I will pay the remainder to Mr. Panchaud." Pray, Sir,  
 what is the meaning of the word *remainder* in that sentence? Why  
 did you not print that word in italics? The letter of March 29,  
 1766, says, "I will repay you all charges of every kind." Does  
 this imply the horse itself was not paid for before? In the same  
 manner the first letter, "let me know every *farthing* of expence you  
 "are at for me, my horse, &c."

As to your *old clothes*, I have already said that they continued in  
 my house the *Rue des Saints Peres* from May 25 till Nov. 1767,  
 and were then sent to the great English Banker's, Mr. Panchaud's.  
 Your assertion of the *pawning* them is an impudent falsehood, and  
 a rascally return for the care I took of such trifles at your desire  
 during the time I staid at Paris, and even on my leaving France.  
 As to the *vestimenta pretiosa* of *Entrapulus*, it ought undoubtedly to  
 be "his acquaintance," not "him." Whether the Printer, or I,  
 made the trifling mistake, I do not recollect. The first idea was  
 your's. I turned your own cannon against you. Your proof  
 of my *Plagiarism* of the Latin words is pleasant. You pretend I  
 take from you two lines and an half, not a word of which you  
 cited! I will only add about the *old clothes*, that when you next  
 wear red, I hope it will be *a Suit of SCARLET and gold—cloth*,  
 not of *black died red with the blood*—of your countrymen.

The commission of Monsieur Sainte Foy respects that Gentleman,  
 not me. Mr. Wildman never made a claim of such a debt at the  
 Bill of Rights. It is not to be found in the list, nor was any ap-  
 plication made on that subject to Mr. Reynolds either at Bath,  
 or in London.

You declare, "I knew several of the fraudulent pretences you  
 "had used *since your enlargement* from the King's Bench to obtain  
 "goods from tradesmen." I know Mr. Horne to be the *Father*  
 of *falsehoods*. I call upon him to produce *one single instance*, and I  
 dare him to publish every thing he knows of me of every kind.

The reason, Sir, why I did not give the whole of the two let-  
 ters I have quoted, was the shameful private scandal in the one, and  
 the dullness in the other. The practice of unnecessarily printing  
 the names of private persons, as in the late instance of the *Members of*  
*the Bill of Rights*, where it was a real injury to the parties, is highly  
 to be censured. You may publish the entire letters if you please.  
 Why did you not quote the following passage of the letter dated  
 Jan. 3, 1766? "I am quite at a loss about yourself and very  
 "anxious to know what is determined relative to you and *those*  
 "grand points with which your cause is inseparably united. Can it be

" that the present men in power should so far forget themselves as to forget you! " Sure no body but my father would ever keep such a bird in a cage," said Prince Henry of Sir Walter Raleigh. And surely none but the present ministry would leave such a bird at Mr. Wilkes loose."

As you mention the promise you had obtained of being one of the *Chaplains to his Majesty*, I shall conclude my present extracts with the following passage, which will shew how peculiarly fitted you are to be a *domestic Chaplain* to our present Sovereign.

" Sheridan is at Blois, by order of his Majesty, and with a pension; inventing a method to give the proper pronunciation of the English language to strangers, by means of sounds borrowed from their own. And he begins with the French.

" I remember a few Years ago when an attempt was made to prove Lord Harborough an *Idiot*. The counsel on both sides produced the same instance; one of his wit, the other of his folly. His servants were puzzled once to unpack a large box, and his Lordship advised them to do with it as they did with oysters—put it in the fire, and it would gape.

" This commission of Sheridan appears to me to be equally equivocal. And should a similar statute be at any time attempted against his Majesty, they who do not know him may be apt to suspect that he employed Sheridan in this manner, not so much for the sake of foreigners as of his own subjects; and had permitted him to amuse himself abroad, to prevent his spoiling our pronunciation at home."

As to the letter from Montpellier you say, " you have not denied that you disowned to me the receipt of it." I assert, Sir, that I told you I received that letter, but had not time to answer it, while you staid at Montpellier. I reserved this for the *general catalogue of your insignificant lies*, which I mean to give in my last letter. You add " And you have not denied the shewing about this letter, with an intention to intimidate and injure me." The letter was never shewn till after Mr. Morris declared publicly, " Mr. Horne told me, he had always the same opinion of Mr. Wilkes." I replied, "*not always the same*. When I see you next, I will convince you of it." I am not to answer for the injury a gentleman in holy orders may receive from such a letter, not wrote in hurry, but of which he appears to have kept a copy, now called forth to light by his own treacherous conduct.

I shall now, Sir, in answer to what you mention in the letter of Jan. 3, 1766, " I this moment receive a letter from England, that tells me *Fitzherbert* has sent you power to draw on him to the amount of 1000*l.* a year," give you a letter of the preceding month on this subject to Mr. George Onslow, Member for Surry, then one of the Lords of the Treasury, a copy of which was taken by a friend at Paris, before it was put into the post. Mr. Onslow has shewn it to several persons in England.

My dear Sir,

Rue des Saints Peres, Dec. 12, 1765:

I Regret that I am obliged to send this by the post, but I do not bear of any friend's going soon to England, and I think that it becomes the fairness of all my proceedings with respect to the gentlemen, with whom I have been concerned, to state two or three facts to you, and immediately after I had taken my resolution. Mr. Fitzherbert has offered me, in the name of some of the ministry, the annual sum of 1000*l.* to be paid out of the income of their respective places. I have rejected this proposal as clandestine, eleemosynary, and precarious. I demand from the justice of my friends, a full pardon under the Great Seal, for having successfully served my country. I will wait here till the first day of the new year. If I should not then have received it, I shall have the strongest proof, that the present ministry are neither the friends of Mr. Wilkes, nor of justice, because the letter of Mr. Fitzherbert tells me, "that there is perfect harmony among them, and the perfect confidence and support of their master."

The frankness of my nature, and the openness of my conduct, oblige me to give you this notice. I ask not the grace of a pension, or of an employment. I ask justice, and from Gentlemen, who declare that I have been "extremely useful, and ill used; and that they are my friends."

I beg the sincerest compliments of respect to the good old Speaker, and to Mrs. Onslow.

I am ever, dear Sir,

Your most affectionate, and  
obedient, humble servant,

George Onslow, Esq;

John Wilkes.

I shall conclude with observing, that the above letter was written in consequence of Mr. Fitzherbert's mistaken information to me, at a time when the men you most hate were in power, during the shortest, because the most virtuous of all the late administrations, to whom we owe the parliamentary resolutions against general warrants and the seizure of papers, the repeal of the late excise on cider and perry, and of the American stamp tax; by which four glorious acts the subjects, both at home and in the colonies, have been restored to their personal liberty as well as their invaluable and inalienable rights and privileges. Such a conduct secured to them the confidence of the people, and of course the hatred of our Sovereign, with their own speedy dissolution.

I am, SIR,

Your humble Servant,

JOHN WILKES.

To Mr. JOHN WILKES.

LETTER VI.

I HAVE been asked by some very well-meaning men,

1. Whether I did not in my first Letter say, that I would open no account with you on the score of private character?

3 D 2

2. And

2. And yet whether I have hitherto charged you with any thing but actions of a private nature?

3. Whether your *private* character is worse now than it was when I went such lengths in your support?

4. Whether I did not at that time know your private character?

5. How then could I be a friend to such a man?

6. If I was your friend only for the sake of the public cause, whether the same reason does not remain?

7. Whether your cause is not still the same? And,

8. Why I will suffer any private pique or quarrel between us to come before the public and injure that cause?

To which I answer,

1, 2. I have hitherto confined myself, according to the plan laid down in my first Letter, to shew from facts what must have been the motives of my conduct, and the nature of the intercourse between us. For that purpose it was necessary for me to mention such parts of your ill behaviour as fell within *my own knowledge, and related to myself*, at the time of its commencement; that it might from thence plainly appear to every one, that I could have no *private* attachment to Mr. Wilkes, though I was determined to the utmost of my poor abilities to assist *him and his cause as far as it was a public cause\**, and might tend to public benefit. Had it been my intention to attack your private character, (which I understand to be on all sides given up) I should have pursued a very different method: the transactions I have mentioned are mere peccadillos compared to the black catalogue which would then have appeared.

3. Your private character is not worse now than it was when I went such lengths in your support; except that by continuing your former bad practices in every respect, notwithstanding every reason public and private to restrain you, all hopes of your amendment are vanished; for the ingenuity of man cannot find out an additional motive of restraint.

4, 5. I knew enough of your private character at the time of the Middlesex Election not to enter into any private connexion with you; and to have no motives but what were public for the sacrifices I made and the hazards I ran. But I did not know your private character as I have known it since. When I first went abroad, early in the year 1763, I knew no more of you than what the papers told me, that you, in conjunction with Churchill and Lloyd, were one of the authors of the North Briton. What I afterwards heard against you on my return in 1764, I imputed, for the greater part to the rage of party, and the malice of your enemies; I supposed you liberal in speculation, and not a very rigid moralist in action: I have not to this moment read the Essay on Woman; and whatever it may contain, I should

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\* The declaration of the Society of Supporters of the Bill of Rights, when it was first formed.

have felt more indignation against those who bribed the printer to betray you, than against you who were betrayed ; because it was a mean villainy, almost equal to the treacherous publication of a *private, friendly, confidential* Letter ; but a villainy of which you can now complain no more.

*Wilkes*, with the education of a Gentleman, has exceeded in meanness and want of sentiment his servant *Curry*. In the year 1767, I first *knew* some part of your private character, and no sooner *knew* than avoided you. Since that time, in the progress of my excessive industry to extricate you from your difficulties, I have to my astonishment found to be true not only all that has been alledged against you, but much more. However, were it possible to add to the measure of your private turpitude, it would not prevent me from acting over again in the same manner I have done ; and was there an election for Middlesex to-morrow, (the right of the electors being left unvindicated) or any other point of public concern, the benefit which *you* might receive from my labour or my sufferings, should not make me in the least relax the one or decline the other.

6, 7. I was your friend only for the sake of the public cause : That reason does in certain matters remain ; as far as it remains, so far I am still your friend ; and therefore I said in my first Letter, " The Public should know how far they *ought*, and how far they *ought not* to support you." To bring to punishment the great delinquents who have corrupted the parliament and the seats of justice ; who have encouraged, pardoned, and rewarded murder ; to heal the breaches made in the constitution, and by salutary provisions to prevent them for the future ; to replace once more, not the *administration* and *execution*, for which they are very unfit, but the *checks* of government *really* in the hands of the governed ;

For these purposes, if it were possible to suppose that the great enemy of mankind could be rendered instrumental to their happiness, so far the devil himself should be supported by the people. For a human instrument they should go farther ; he should not only be supported, but thanked and rewarded for the good which perhaps he did not intend, as an encouragement to others to follow his example. But if the foul Fiend, having gained their support, should endeavour to delude the weaker part, and intice them to an idolatrous worship of himself, by persuading them that what he suggested was their voice, and *their voice* the *voice of God* : If he should attempt to obstruct every thing that leads to their security and happiness, and to promote every wickedness that tends only to his own emolument ; If when *the cause—the cause—*reverberates on their ears, he should divert these from the original sound, and direct them towards the opposite unfaithful echo : If confusion should be all his aim, and mischief his sole enjoyment, would not he act the part of a faithful monitor to the people, who should save them from their snares, by reminding them of the true object of their constitutional worship,



Ship, expressed in those words of *Holy Writ* (for to me it is so) *Rex, Lex loquens, Lex, Rex natus*. This is—the cause—the cause—To make this union indissoluble is the only cause I acknowledge. As far as the support of Mr. Wilkes tends to this point, I am as warm as the warmest : But all the lines of your projects are drawn towards a different center—yourself ; and if with a good intention, I have been diligent to gain you powers which may be perverted to mischief, I am bound to be doubly diligent to prevent their being so employed.

8. The diligence I have used for two years past, and the success I have had in defeating all your shameful schemes, is the true cause of the dissention between us. I have never had any private pique or quarrel with you. It was your policy in *paragraphs* and *anonymous letters* to pretend it ; but you cannot mention any private cause of pique or quarrel.

To prevent the mischief of division to a popular opposition ; those who saw both your bad intentions and your actions were silent ; and whilst they defeated all your projects, they were cautious to conceal your defeats. They studied so much the more to satisfy your voracious prodigality, and thought, as I should have done if a minister, that if feeding it would keep you from mischief, a few thousands would be well employed by the public for that purpose. But I can never, merely for the sake of *strengthening* opposition, join in those actions which would prevent all the good effects to be hoped from opposition, and for the sake of which alone any opposition to government can be justifiable. Such a practice would very well suit those who with a change of ministers. For my part I wish no such thing ; bad as the present are, I am afraid the next will not be better, though I am sure they cannot be worse. I care not under whose administration good comes. But the people must owe it to themselves, nor ought they to receive the restoration of their rights as a favour from any set of men, minister, or king. The moment they accept it as a *grant*, a *favour*, an *act of Grace*, the people have not the prospect of a *Right-left*. They will from that time become like the mere possessors of an estate without a title, and of which they may be dispossessed at pleasure. If the people are not powerful enough to make a bad administration or a bad king do them justice, they will not often have a good one. Would to God, the time would come, which I am afraid is very distant beyond the period of my life, when an honest man could not be in opposition ; I declare I should rejoice to find the patronage of a minister in the smallest degree my honour and interest. I never have pretended to any more than to prefer the former to the latter. But it is not upon me alone that you have poured forth your abuse, but upon every man of honour who has deserved well of the public ; and if you were permitted to proceed without interruption, there would shortly not be found one honest man who would not shudder to deserve well of the people.

The

The true reason of our diffention being made public, is, that you could not get on a step without it; and you trust that the popularity of your name, and your diligence in paragraphing the papers, will outweigh with the people the most essential services of others; and that you shall get rid of all controul by taking away from those who mean well, the confidence of the people. If you can once get them affronted by the public, whom they have faithfully served, you flatter yourself that disgust will make them retire from a scene where such a man as you are, covered with infamy like your's, has the disposal of honour and disgrace, and the characters of honest men at his mercy.

I mean to prove what I have said by facts, and though it does not come in the regular order of time which I meant to observe, nor with that strength with which a number of preceding transactions made it affect my mind, I will now mention one, which, with two or three others, made you despair of using me in your plans, and made you hasten the rupture.

Some time in last July, when I was upon a visit to Mr. Alderman Oliver at Putney, you came there, and persuaded me to go with you to your house at Fulham, where I had never before been, that we might the next morning go together by water to London. In the boat you began with me a conversation about the city, as exactly as I can recollect to the following effect.

*W.* "I think I ought to consider something about providing for my friends and being prepared with candidates for the city offices. Give me your opinion: who do you think should be Town Clerk?"

*H.* "Why! is Sir James Hodges dead?"

*W.* "No; but he is not very young, nor in very good health; and one ought to be prepared against accidents. There should always be a candidate fixed upon ready."

*H.* "Since you have asked my opinion about it, I will give it you freely: I think directly the contrary. Consider your situation; your influence is not personal, but depends entirely upon the propriety of your measures. Though you may consider of the thing in your mind, you should never fix upon a candidate till the very time of election, nor talk about it to any one. The man that might be most proper this year may be very improper the next. It is your business, when the time comes, to consider who is the most fit for the purpose, and has the best claim to the favour of the citizens; and if those circumstances are nearly equal in different candidates, then to adopt him who is the most likely to succeed: by which means the party you espouse will generally be victorious; and you will have the credit of having carried many a candidate by your interest, when indeed he will be carried by the merits of his own pretensions: and should you at any time miscarry, your defeat will do you no harm; for every one will acknowledge that your man ought to have succeeded; and by seeing you always espouse the most worthy, the public will in time have a strong inducement to support your  
candidates

candidates, and will reasonably conclude that he is probably the most worthy whom you espouse : whereas by following a different course, though you may succeed once or twice, your very successes will disgrace you, and ensure a future defeat.

*W.* " All this may do very well in theory ; but Reynolds has done so much and is every day doing so much for me, that I think he ought to be fixed upon as Town Clerk.

*H.* " In my opinion you have fixed upon the last man in the city that should be thought of for that office ; and I may speak it the more freely, because Reynolds has experienced that I do not want an inclination to serve him. When he sent Mr. Tr——n to desire me to ask Mr. Sawbridge to appoint him his under-sheriff, he knows that there was not a minute between Tr——n's application to me and Mr. Sawbridge's granting my request : he knows too the steps I have since taken to serve him in that line. There is nothing improper in his being under-sheriff, because that is a *private* favour granted by the *sheriff* who serves the office at a very great expence. But the lucrative city offices are very different things : they ought always to be disposed of to the old citizens of long standing, not to those who make themselves free for the purpose ; to men of respectable characters, who can plead services to the city ; or at least to those who with equal merit have not perhaps been so successful as their neighbours, and are very not so easy in their fortunes as their fellow-citizens think they deserve. Reynolds has not the least claim : he is a freeman only of yesterday ; and you will certainly forfeit the esteem and support of the citizens, and narrow yourself to a very small circle indeed, if they see you endeavouring to confine all the emoluments of the city to your attorneys, agents and particular adherents, to the exclusion of those who have long borne the burden of the city, and whose right those offices are. You ought, on the contrary, on these occasions to assist worth and merit wherever you find it, whether amongst your own party, or out of it, or even among your adversaries ; and by so doing your enemies will be less jealous of your power and less bitter, and the number of your friends will increase as the approbation of your conduct increases."

Mr. Wilkes seemed much chagrined and did not at all relish my arguments, but turned the conversation to other subjects. About ten days afterwards Mr. Reynolds came to me and told me he desired my advice and assistance ; that Mr. Wilkes had been talking to him about being town-clerk. I repeated to Mr. Reynolds the arguments I had used to Mr. Wilkes, with many others particularly affecting Mr. Reynolds ; and Mr. Reynolds told me he was convinced by what I had said, and should think no more of it.

*{ To be continued. }*

## I N D E X.

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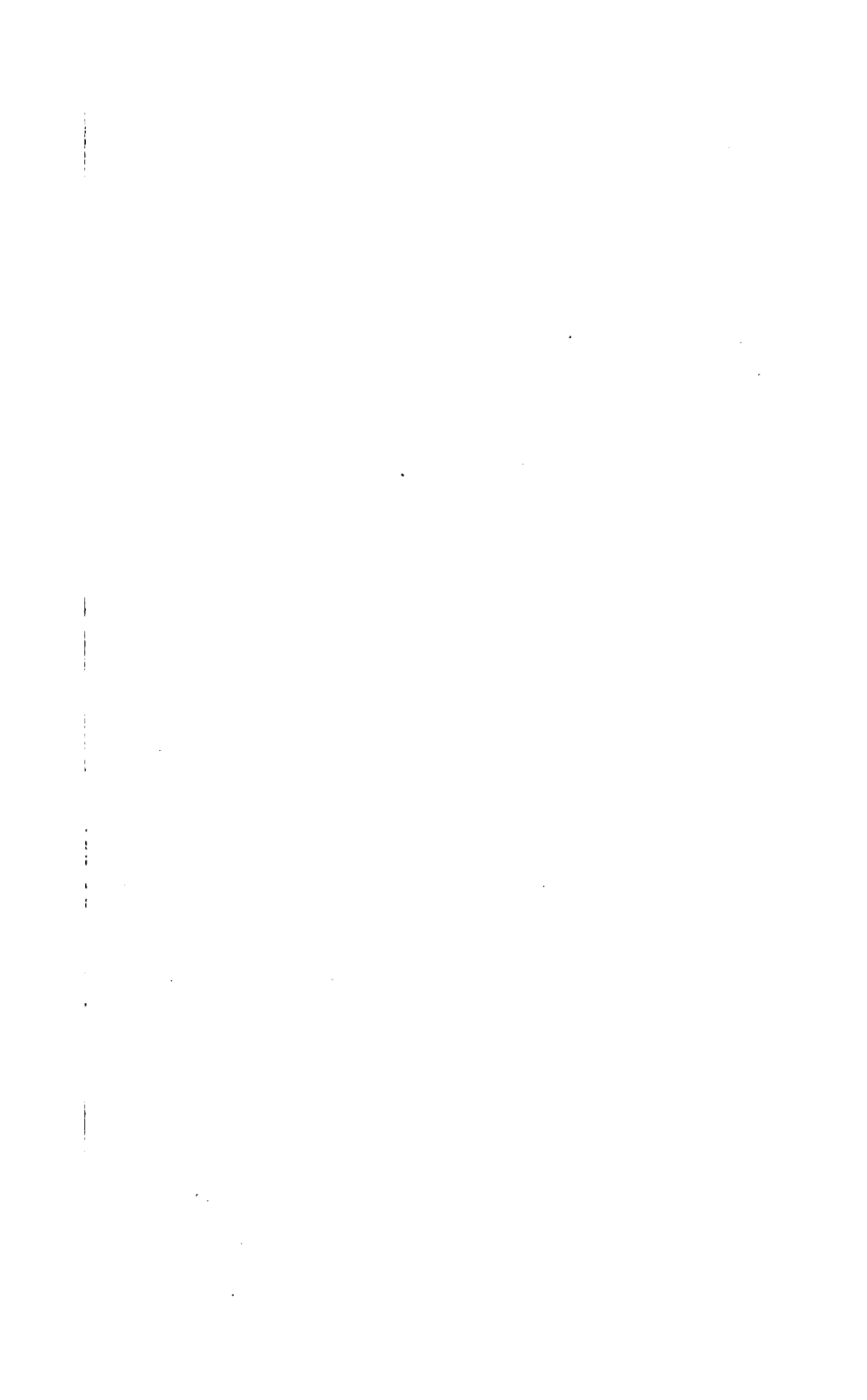
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